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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2220—State Board of Pharmacy Chapter 2—General Rules

EMERGENCY AMENDMENT

20 CSR 2220-2.200 Sterile Compounding. The board is amending subsection (5)(C).

PURPOSE: *This amendment removes the requirement that Risk Level 3 preparations must remain Risk Level 3 for the life of the preparation.*

EMERGENCY STATEMENT: *This emergency amendment is being promulgated to ensure continued availability of compounded Risk Level 3 sterile preparations for Missouri patients. Current rule 20 CSR 2220-2.200 requires sterility and endotoxin testing for all Risk Level 3 preparations. To meet the rule's Risk Level 3 testing requirements, pharmacy compounders are typically required to compound three-four (3-4) times in excess medication to ensure a sufficient sample size of medication is available to perform scientifically valid testing.*

In March 2021, the board was notified by a major pharmacy supplier that they were unable to comply with Missouri's Risk Level 3 testing requirements for intrathecal medication compounded for Missouri patients using sterile stock solution. The pharmacy indicated medication ingredients for the compounds in question (morphine

and hydromorphone) are regularly in short supply and/or on the FDA shortage list, making procurement of the additional medication needed for required board testing significantly difficult, if not impossible. The pharmacy also indicated the U.S. Drug Enforcement Administration and drug manufacturers/wholesalers may not allow the pharmacy to buy additional morphine and hydromorphone supply, given these medications are Schedule II controlled substances that are highly addictive and the extra supplies are needed for testing and not patient use. The pharmacy further noted the products in question are made using Risk Level 3 sterile stock solution that has been previously tested for sterility/endotoxins, and questioned the need for additional testing of individual doses. The pharmacy communicated it would be required to immediately suspend all shipments of Risk Level 3 intrathecal medication to Missouri patients, absent an amendment of Missouri's testing requirements.

On March 25, 2021, a large Missouri hospital contacted the board to indicate a significant number of Missouri patients would be immediately and detrimentally impacted if the hospital is unable to procure the medication in question. Subsequent board research revealed a limited number of licensed pharmacies are engaged in compounding the medication in question. The board has discussed this issue with other pharmacy suppliers who also expressed compliance barriers and supported amending the rule as soon as possible to prevent interruptions in medication supplies.

The emergency amendment would remove the requirement that Risk Level 3 preparations must remain Risk Level 3 for the life of the preparation. As a result of the amendment, compounded preparations made from a properly tested Risk Level 3 stock solution would not have to undergo additional sterility/endotoxin testing for each individual patient dose. Absent the emergency amendment, Missouri hospitals/physicians may be unable to procure needed medication for the treatment of Missouri patients. Significantly, the amendment does not lower the board's standard that all non-sterile to sterile compounded preparations must be tested at some point during the compounding process.

*As a result, the Missouri Board of Pharmacy finds there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Board of Pharmacy believe this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed April 14, 2021, becomes effective April 28, 2021, and expires February 7, 2022.*

(5) Facilities and Equipment. The pharmacy shall establish and follow proper controls to ensure environmental quality, prevent environmental contamination, and maintain air quality in all ISO classified areas.

(C) Risk Level 3: In addition to Risk Level 1 and 2 requirements, Risk Level 3 preparations must be prepared in a PEC located in a buffer area or prepared in a RABS located within a controlled area. All non-sterile equipment that is to come in contact with the sterilized final preparation must be sterilized before introduction in the buffer area or into the RABS. *[Once compounded, Risk Level 3 preparations shall at a minimum remain Risk Level 3 for the life of the preparation.]*

AUTHORITY: sections [338.140,] 338.240[,] and 338.280, RSMo 2016, and sections 338.010 and 338.140, RSMo Supp. [2018] 2020. This rule originally filed as 4 CSR 220-2.200. Original rule filed May 4, 1992, effective Feb. 26, 1993. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed

*April 14, 2021, effective April 28, 2021, expires Feb. 7, 2022. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

***PUBLIC COST:** This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

***PRIVATE COST:** This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted printed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 35—Children's Division Chapter 31—Child Abuse

PROPOSED AMENDMENT

13 CSR 35-31.025 Child Abuse and Neglect Review Process. The division is amending the purpose, removing sections (1)–(14), and adding sections (1)–(9).

PURPOSE: This amendment removes outdated information and clarifies the Child Abuse and Neglect Review Board (CANRB) process.

PURPOSE: This rule establishes a [child abuse and neglect review] process to [provide for a] review [of] child abuse and neglect determinations when an alleged perpetrator disagrees with the division's preliminary finding [of preponderance of the evidence].

[(1) Upon written request, the Children's Division will provide an opportunity for an administrative review to any alleged perpetrator who disagrees with the local division's finding of preponderance of the evidence in a child abuse or neglect investigation.

(2) The alleged perpetrator will receive written notification of the preponderance of the evidence finding by the local division office and of his or her right to an administrative review of the finding.

(A) The alleged perpetrator will have sixty (60) days from the receipt of the notification of the child abuse/neglect finding to request an administrative review in writing to the circuit manager.

(B) The circuit manager, or his or her designee, will review, within ten (10) working days of receipt of the request, the investigative report and all appropriate material presented by the alleged perpetrator and determine whether to uphold or reverse the finding.

(C) The circuit manager, or his or her designee, will notify the alleged perpetrator in writing of the decision to uphold or reverse the original finding. If the finding is upheld, the circuit manager, or his or her designee, will forward the request to the Child Abuse and Neglect Review Board (CANRB) for further administrative review.

(3) The division may establish more than one (1) Child Abuse and Neglect Review Board to assure timely review of child abuse and neglect determinations.

(4) Each Child Abuse and Neglect Review Board will be composed of nine (9) members from specified professions outlined in section 210.153, RSMo 2000. Members are appointed by the governor with the advice and consent of the senate.

(5) Initially, three (3) board members will be appointed to serve for a term of three (3) years, three (3) board members will be appointed to serve for a term of two (2) years, and three (3) board members will be appointed to serve for a period of one (1) year.

(A) Members may continue serving after their term expires and until either their reappointment or until their replacement is appointed and approved.

(B) The members of the board shall designate a chairperson.

(6) The governor may remove and/or replace a member of the board for the following reasons:

(A) Death;

(B) Resignation;

(C) Mental or physical incapacitation which limits the member from effectively serving on the board; or

(D) For good cause as determined by the governor.

(7) The members of the board will hold all information obtained in the course of a review in the strictest confidence and will not discuss or disclose any information regarding any case, except as permitted under section 210.150, RSMo 2000.

(8) The members of the board will meet at a location within Missouri regularly, depending on the number of requests for review being filed, but a minimum of one (1) board will meet a minimum of one (1) time per month.

(9) The Child Abuse and Neglect Review Board will adhere to the following procedures for notification and scheduling of child abuse and neglect reviews:

(A) Within five (5) working days of receiving the request for review, the Children's Division CANRB liaison will notify the alleged perpetrator and the circuit manager of the date, time, and location of the review.

1. The Children's Division CANRB liaison or the board may grant a continuance to the alleged perpetrator for good cause. However, the number of continuances will be restricted to assure timely reviews.

2. If court adjudication occurs prior to the CANRB proceeding or prior to the CANRB's issuance of the board's determination, the Children's Division CANRB liaison or the board will notify the alleged perpetrator that the board is foreclosed from ruling on the division's finding by statute.

3. If requested, and not otherwise prohibited by statute, the circuit manager will provide a copy of the child abuse and neglect investigation to the alleged perpetrator, including all records provided to the board, with the exception of confidential information or other information that could jeopardize child safety.

4. The alleged perpetrator may submit written information for the board to review before the proceeding if it is received by the board not less than twenty-one (21) calendar days prior to the hearing date; and

(B) The Children's Division CANRB liaison or the board shall notify the child or the child's parent, guardian, or legal representative that a review has been scheduled and of their opportunity to attend and/or to provide information on behalf of the child. The child's parent, guardian, or legal representative may submit written information for the board to review before the proceeding if it is received by the board not less than twenty-one (21) calendar days prior to the hearing date.

(10) At the review, the division, the child's representative, and then the alleged perpetrator (in that order) will each have twenty (20) minutes to present information to the board.

(A) The board may approve extra time for any presentation at the board's discretion.

(B) The alleged perpetrator's attendance is not mandatory for a review to be held.

(C) The board may approve participation by conference call for any participant.

(D) The alleged perpetrator may be represented by legal counsel.

(E) The division will be represented by appropriate staff, legal counsel, and/or the written record.

(F) The alleged perpetrator and the division may have witnesses provide testimony.

(G) Witnesses shall only be allowed to attend that portion of the review in which they are presenting information.

(H) The board will review and discuss all relevant materials and testimony, and all board members present at the hearing shall have the right to vote on whether to uphold or reverse the division's finding.

1. The board must have a quorum of not less than five (5) members to hold a hearing. If a quorum is not present, the hearing will be cancelled and rescheduled.

2. The board's decision must be based on a majority vote. In cases where there is no majority vote, the division's finding shall remain unchanged and considered affirmed.

3. The board's decision must be based on competent and substantial evidence on the whole record to support the preponderance of the evidence finding of abuse or neglect.

4. The board's decision must occur on the day of the review.

(11) The decision of the board will be the agency's final decision upholding or reversing the preponderance of the evidence finding of abuse or neglect.

(12) Within five (5) working days of the board's decision, the board shall notify the alleged perpetrator, the Children's Division, and the child's representative of the board's decision in writing. The decision shall be mailed to the last known address of such persons and their attorneys or legal representatives of record.

(13) The board shall expunge its administrative files at three (3) years with the exception of a log documenting the board's final decision.

(14) Annually, the department will evaluate the following factors related to the work of the Child Abuse and Neglect Review Board(s):

(A) Number of requests;

(B) Geographic area of requests;

(C) Results of reviews;

(D) Composition of the board(s); and

(E) Necessary amendments of the rules.]

(1) Definitions.

(A) The definitions of terms set forth in section 210.110, RSMo, and 13 CSR 35-31.010 also apply to the terms used in this regulation.

(B) "Address of Record" means the mailing address or electronic mailing address that the alleged perpetrator provides to the Children's Division or the last known address of the alleged perpetrator discovered during the investigation or last known address contained in the information systems of the Department of Social Services.

(C) "Alleged perpetrator" means the person accused of having committed the act of abuse or neglect, or the person determined or found to have perpetrated the act of abuse or neglect.

(D) "CANRB" or "Board" means the child abuse and neglect review board as established in sections 210.152 and 210.153, RSMo.

(E) "Court adjudication" refers to instances where the division may add a person to the central registry without administrative review because a court has found the person—

1. Committed child abuse or neglect;

2. Judicial findings substantiate the division's finding of child abuse or neglect; or

3. The person has pleaded guilty or been found guilty of a crime pursuant to sections 210.110 or 210.118, RSMo.

(F) "Division" means the Children's Division of the Department of Social Services.

(G) "Pending criminal charge" means a criminal charge filed with the court by complaint, information, or indictment.

(H) "Preliminary finding" means the division's initial investigative determination of abuse or neglect.

(I) "Unknown perpetrator" means the unidentified person or persons who abused or neglected a child.

(J) "Witness" means a person with knowledge material to the allegation of abuse or neglect.

(2) Notices.

(A) The division shall notify the alleged perpetrator of its preliminary finding at the conclusion of the child abuse or neglect investigation.

(B) The notice shall—

1. Summarize the division's preliminary findings;

2. Provide instructions for obtaining a copy of the investigative report; and

3. State the alleged perpetrator's right to either request

administrative review of the division's finding by the board, or, in the alternative, waive administrative review and instead file a petition in circuit court for direct judicial review of the division's finding.

(C) The division may deliver notice of the preliminary finding personally or send the notice to the alleged perpetrator's Address of Record. Service of notice to the alleged perpetrator's Address of Record in person, by mail, or by electronic means shall be deemed sufficient service for all purposes under this regulation.

(D) The alleged perpetrator shall promptly notify the division of any changes to the alleged perpetrator's mailing address, telephone number, electronic mailing address, or other contact information throughout the investigation and administrative review process.

1. It shall remain the responsibility of the alleged perpetrator to immediately notify the division of any changes to his or her current contact information, including current mailing address, throughout the investigation and administrative review process.

2. The alleged perpetrator may elect to receive formal notices and communications electronically or by mail. Notification of the election shall be in writing and provided to the division.

(E) If the alleged perpetrator requests an administrative review under section (3) of this rule, the division and board shall send all notices and correspondence to the alleged perpetrator unless the division receives a written entry of appearance by counsel. Legal counsel for an alleged perpetrator shall file an entry of appearance with the board, which shall include the legal counsel's name, bar number, regular and electronic mailing addresses, and telephone and fax numbers. Upon receipt of an entry of appearance by legal counsel, the division shall send any subsequent notices and correspondence to the alleged perpetrator and the attorney of record. Alleged perpetrators may present their cases to the board with or without legal counsel.

(3) **Requesting Administrative Review or Judicial Review.** If the alleged perpetrator disagrees with the division's preliminary finding, the alleged perpetrator may request either direct judicial review or administrative review of the finding, but not both.

(A) **Direct Judicial Review Requests.**

1. If the alleged perpetrator wishes to waive administrative review, the alleged perpetrator shall have thirty (30) days from the receipt of the notification of the division's preliminary finding to file a petition for direct judicial review with the circuit court as provided in sections 210.152, 210.153, and 536.100, RSMo. Upon receipt of service of the petition for direct judicial review, the division shall list the alleged perpetrator's name in the central registry pending further orders or judgment of the circuit court. The alleged perpetrator shall not be entitled to administrative review if the alleged perpetrator has petitioned any circuit court for direct judicial review.

(B) **Administrative Review Requests.**

1. To request administrative review, the alleged perpetrator shall submit a written request for review within sixty (60) days from the receipt of the notification of the division's preliminary finding as provided in sections 210.152 and 210.153, RSMo, except as otherwise provided herein. The alleged perpetrator may include any additional relevant information that the alleged perpetrator would like the division or board to consider.

A. Upon receipt of a timely written request for administrative review, the division may review the request, the investigative report, and any other relevant materials before the board hearing. If the division concludes the preliminary finding should be reversed before the board hearing, the division shall notify the alleged perpetrator and the alleged perpetrator shall not be listed in the central registry for that finding.

B. If the division receives a request for administrative review within sixty (60) days of notification of the division's pre-

liminary finding, the division shall not list the alleged perpetrator as a perpetrator of child abuse or neglect in the central registry for the preliminary finding unless and until the finding is sustained by the board.

C. If the division does not receive a request for administrative review within sixty (60) days of notification of the division's preliminary finding, the division shall list the alleged perpetrator as a perpetrator of child abuse or neglect in the central registry.

2. **Pending Criminal Charges.**

A. If criminal charges that arose from the investigation are pending when the alleged perpetrator receives notice of the division's preliminary finding, the alleged perpetrator may either—

(I) Request administrative review within sixty (60) days of receiving notice of the division's preliminary finding; or

(II) In the alternative, the alleged perpetrator may waive administrative review within sixty (60) days of notice and instead request administrative review within sixty (60) days of the court's final disposition or dismissal of the criminal charges, as provided for in this subsection and section 210.152.4, RSMo.

B. If the alleged perpetrator with pending criminal charges submits a request within sixty (60) days of notification of the division's preliminary finding, the division shall proceed with the administrative review and the division shall not list the alleged perpetrator in the central registry unless and until the finding is sustained by the board.

C. If the alleged perpetrator with pending criminal charges does not request review within sixty (60) days of notification of the division's preliminary finding, the division shall list the alleged perpetrator as a perpetrator of child abuse or neglect in the central registry, and the alleged perpetrator shall remain listed in the central registry unless and until the division's finding is subsequently reversed by the division, the board, or judicial action.

D. To request administrative review within sixty (60) days of the court's final disposition or dismissal of criminal charges arising from the investigation, the alleged perpetrator shall submit a copy of the court's final disposition or dismissal of the criminal charges with the written request for administrative review. If the division receives the written request and the copy of the court's final disposition or dismissal of the criminal charges within sixty (60) days of the court's final disposition or the dismissal, the division shall schedule a board hearing. Once listed, the alleged perpetrator shall remain listed in the central registry unless and until the division's finding is subsequently reversed by the division, boards, or judicial action.

3. The alleged perpetrator shall be entitled to no more than one (1) administrative review of any preliminary finding.

4. The division shall not conduct an administrative review if a finding has been substantiated through court adjudication pursuant to sections 210.153, 210.110 or 210.118, RSMo.

5. **Death Pending Administrative Review.** If the alleged perpetrator's representative or next of kin provides proof that the alleged perpetrator died before the alleged perpetrator's time to request review expired or before the requested board hearing occurred, the division shall retain the report and all information but shall not add the deceased alleged perpetrator to the central registry. The division shall retain and disclose information and findings in the same manner as the division retains and discloses reports involving unknown perpetrators and family assessments.

(4) **Administration of the Child Abuse and Neglect Review Board.**

(A) The division may establish more than one (1) board to assure timely and independent review of child abuse and neglect determinations.

(B) Each board shall be composed of nine (9) members from specified professions as required in section 210.153, RSMo. No

member of the board shall be employed by the Department of Social Services. Members shall be appointed by the governor with the advice and consent of the senate.

(C) Initially, three (3) board members shall be appointed to serve for a term of three (3) years, three (3) board members shall be appointed to serve for a term of two (2) years, and three (3) board members shall be appointed to serve for a period of one (1) year.

1. Members of the board may continue serving after their terms expire until they are reconfirmed or replaced by confirmed appointees.

2. Members of each board shall designate a chairperson.

3. Members of the board shall complete a minimum of three (3) hours of training regarding child abuse and neglect annually, as approved by the division. The division shall notify the board of available training opportunities.

(D) The information presented to the board and the deliberations of the board are confidential and shall not be disclosed except as authorized by law.

(E) Members of the board shall meet regularly, and if needed, frequently, depending on the number of requests for review being filed. But a minimum of one (1) board shall meet a minimum of one (1) time per month.

(F) The division shall assign one (1) or more staff members to the board to handle administrative matters such as scheduling cases for hearing, administering correspondence for the board, and other appropriate matters. Administrative personnel, including the division's liaison to the board, shall not participate in the deliberations of the board on the merits of cases.

(5) The purpose of a board hearing is to provide an independent review of the sufficiency of the division's preliminary finding. CANRB review is limited to whether or not the information presented to the board establishes by a preponderance of evidence that the alleged perpetrator is responsible for abuse, neglect, or both, as those terms are defined in 13 CSR 35-31.010 and section 210.110, RSMo.

(6) A member of the board shall recuse themselves from any case in which the member determines the member cannot be fair or impartial.

(A) A member of the board shall recuse themselves from any case in which the member—

1. Has an interest in the case;
2. Is related to the alleged perpetrator, alleged victim, any witness, or any family member of the alleged victim or perpetrator;
3. Has been legal counsel to the alleged perpetrator, alleged victim, or any family member of the alleged victim or perpetrator;
4. Personally provided care or services to the alleged perpetrator, alleged victim, or any family member of the alleged victim or perpetrator; or

5. Has personal knowledge of the facts and circumstances of the case, beyond what may be generally available to the public.

(B) Alleged perpetrators have no right to a change of board or a particular board member.

1. Any alleged perpetrator who has good cause to believe that a member or members of the board cannot act in a fair and impartial manner shall promptly notify the board in writing and shall specify in detail the nature of the concern.

2. The board shall then rule on the concern. If a board member recuses himself or herself or if the board grants the alleged perpetrator's request to recuse, then the board may grant a continuance of the hearing if the recusal would result in the board failing to reach a quorum.

3. If the alleged perpetrator does not file an objection with the board prior to the commencement of the hearing, any objec-

tion to the impartiality of the board or members of the board shall have been waived.

(7) Reviews conducted by the board are not contested cases under Chapter 536, RSMo. The board shall adhere to the following procedures for notification, scheduling, and conducting child abuse and neglect reviews:

(A) The parties to a board hearing are the alleged perpetrator and the division;

(B) The division shall determine whether a board hearing shall be held in person or via teleconference or other electronic means;

(C) Record Requests—

1. There is no right to conduct formal discovery as set forth in the Rules of Civil Procedure for the Missouri Supreme Court and/or Chapter 536, RSMo. However, the alleged perpetrator may request that the division produce relevant investigative records;

2. Record requests shall be addressed to the division and not to the Board; and

3. If the alleged perpetrator makes a request for records, the division shall provide a copy of the child abuse and neglect investigative report completed by the division to the alleged perpetrator as allowed by law, with the exception of information which is privileged and/or confidential as otherwise provided by law, and information that could, in the sole discretion of the division, jeopardize a person's life or safety if released. The division shall redact from any information provided to the perpetrator all confidential information, including, but not limited to, any information that may identify the reporter of the incident in question;

(D) The division and the alleged perpetrator shall submit any written documents or other evidence to the board no less than twenty-one (21) days before the hearing date to provide the board with sufficient time to review the information before the hearing. Documents or evidence submitted to the board less than twenty-one (21) days before the hearing date may be considered at the sole discretion of the board;

(E) The division's liaison to the board shall notify the alleged victim or the alleged victim's parent, guardian, or legal representative that a hearing has been scheduled and of the opportunity to participate as a witness;

(F) Board hearings shall be conducted in an informal manner. The rules of evidence do not apply to board hearings including, but not limited to, the following:

1. Testimony from witnesses and parties shall not be provided under oath;
2. There is no right to cross examine witnesses;
3. Neither witnesses nor evidence are subject to subpoena;
4. Board hearings are not hearings on the record;
5. The board shall determine whether information, exhibits, or evidence are relevant; and
6. No official transcript of the hearing shall be prepared, provided, or retained;

(G) The board hearing shall be closed to all persons except the parties, their attorneys, and witnesses. At the review, the division shall have twenty (20) minutes to present evidence to the board. Upon conclusion of the division's evidence, the alleged perpetrator shall have twenty (20) minutes to present evidence to the board. The division and the alleged perpetrator may reserve three (3) of their twenty (20) minutes for rebuttal. During their respective presentations, the division and the alleged perpetrator may present witnesses to the board. An additional twenty (20) minutes, to be divided evenly among all witnesses, may be allotted for additional witnesses who wish to provide evidence on behalf of the alleged victim, but who were not called as witnesses by either the division or the alleged perpetrator. All witnesses will be heard at the board's discretion.

1. The board may, in its sole discretion, approve extra time for any presentation, but may not extend the time for decision of

the case.

2. The alleged perpetrator's attendance is not mandatory for a review to be held.

3. The division's liaison to the board shall notify the alleged perpetrator and his or her attorney of record, if applicable, whether the review shall be held in person or via teleconference or other electronic means, and the date, time, and location of the review. If the hearing is held in person, any party, attorney, representative, or witness may nonetheless participate in the hearing by conference call.

4. Alleged perpetrators may present their cases to the board *pro se* or through legal counsel.

5. Appropriate staff shall represent the division. The division may also be represented by legal counsel.

6. Nonparty witnesses, including witnesses on behalf of the alleged victim, shall only be allowed to participate in that portion of the review in which they are presenting information.

7. Either party who wishes to submit evidence in electronic format shall contact the liaison of the board at least twenty-one (21) days prior to the scheduled hearing date to ascertain whether the board has equipment to review the evidence. Neither the division nor the board shall be responsible for supplying equipment or for equipment failure. The party who wishes to present the information in electronic format shall be responsible for delivering the information to the board in a format which the board and its members can review;

(H) The board shall review and discuss all relevant materials and testimony, and all board members participating at the hearing shall have the right to vote on whether to uphold or reverse the division's finding.

1. The board shall have a quorum of not less than five (5) members to hold a hearing. If a quorum cannot be reached, the board shall reschedule the hearing. If there are vacancies on the board, the board shall continue to operate in its usual manner, so long as a quorum can be met for each hearing. To ensure a quorum, members may serve on CANRB panels outside the specific board to which the member was appointed.

2. The board's decision shall be based on a majority vote. In cases where the vote is tied, the board shall affirm the division's finding.

3. The board's decision shall be based solely on the information submitted in advance or presented to the board at the hearing.

4. The board shall make its decision on the day of the case's review;

(I) The division, on behalf of the board, shall promptly notify the alleged perpetrator of the board's decision in writing.

1. If the board upholds the division's preliminary finding, the division shall send the decision to the alleged perpetrator's Address of Record. Any properly addressed decisions under this rule that are returned as refused or unclaimed shall be deemed satisfactory notice. The division shall notify the parties and the alleged perpetrator's attorney, if applicable, by regular or electronic mail. The division shall place the alleged perpetrator's name on the central registry as allowed by law.

2. If the board reverses the division's preliminary finding, the division shall notify all parties by regular or electronic mail and the division shall not list the alleged perpetrator as a perpetrator of child abuse or neglect in the central registry;

(J) If the alleged perpetrator requires reasonable accommodations pursuant to the Americans with Disabilities Act, the alleged perpetrator shall notify the board's liaison at least ten (10) days before the hearing; and

(K) The division may grant a continuance to the alleged perpetrator for good cause, but the number of continuances shall be restricted to ensure a timely review. Pending criminal charges arising out of the facts of the investigation shall not constitute good cause if the alleged perpetrator obtained or could have obtained his or her investigative report.

(8) The board shall expunge its files after one (1) year. The board shall keep a log documenting the board's final decision. If the board upholds the division's preliminary finding, the division may, at its discretion, retain the board's voting slip, notification letter(s), and certified mailing receipt by paper or electronic means.

(9) Each board shall submit, no later than March 15 annually, a written report to the Department of Social Services containing a summary of activities of the board and recommendations to improve the child protection services system at the state and local levels.

AUTHORITY: sections 210.153 and 660.017, RSMo [Supp. 2007] 2016. Original rule filed Sept. 27, 2007, effective March 30, 2008. Amended: Filed April 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 7—Family Healthcare

PROPOSED AMENDMENT

13 CSR 40-7.050 Presumptive Eligibility. The department is amending sections (1), (2), and (4).

PURPOSE: This proposed amendment allows qualified hospitals to make Medicaid presumptive eligibility determinations for the Adult Expansion Group (AEG), per Article IV Section 36(c) of the Missouri Constitution. Applicable federal regulations require state Medicaid agencies to offer qualified hospitals the opportunity to make presumptive eligibility determinations for this Medicaid population.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The department shall provide MO HealthNet benefits to individuals during a period of presumptive eligibility for individuals who have been determined eligible for MO HealthNet benefits on the basis of preliminary information by a presumptive eligibility qualified entity in accordance with this rule, and pursuant to sections 435.1100, 435.1101, 435.1102, 435.1103, and 435.1110 of Title 42, Code of Federal Regulations, which are incorporated by reference and made part of this rule as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700,

Washington, DC 20408, and which is located on the website of the U.S. Government Publishing Office at <https://www.govinfo.gov/content/pkg/CFR-2019-title42-vol4/pdf/CFR-2019-title42-vol4-part435-subpartL.pdf>, October 1, 2019. This rule does not incorporate any subsequent amendments or additions.

(2) For the purposes of this rule—

(A) “Presumptive eligibility” means temporary MO HealthNet benefits for children under the age of nineteen (19) (pursuant to 42 U.S.C. sections 1396a(47) and 1396r-1a and 42 CFR sections 435.1102 and 435.1110), parents and other caretaker relatives (pursuant to 42 CFR sections 435.1103 and 435.1110), former foster care children (pursuant to 42 CFR sections 435.1103 and 435.1110), pregnant women (pursuant to 42 U.S.C. sections 1396a(47) and 1396r-1 and 42 CFR sections 435.1103 and 435.1110), *[and]* individuals with breast cancer or cervical cancer (pursuant to 42 U.S.C. sections 1396a(47) and 1396r-1b and 42 CFR sections 435.1103 and 435.1110), **and adults between ages nineteen (19) and sixty-four (64) (pursuant to 42 CFR 435.1110)**, allowing them to receive MO HealthNet benefits before they have applied for MO HealthNet benefits through the division;

(B) “Qualifying hospital” has the same meaning as in 42 CFR 435.1110(b);

(C) “Federally qualified health center” has the same meaning as in 42 U.S.C. section 1396(l)(2)(B);

(D) “Rural health clinic” has the same meaning as in 42 U.S.C. section 1395x(aa)(2); **and**

(E) “Presumptive eligibility qualified entity” means a MO HealthNet provider organization responsible for screening individuals/families regarding presumptive eligibility for MO HealthNet benefits.

1. For presumptive eligibility determinations for children under the age of nineteen (19), “presumptive eligibility qualified entity” means a federally qualified health center, rural health clinic, or qualifying hospital that meets the requirements for a “qualified entity” in 42 U.S.C. section 1396r-1a(b)(3)(A).

2. For presumptive eligibility determinations for pregnant women, “presumptive eligibility qualified entity” means a county health department, federally qualified health center, rural health clinic, or qualifying hospital that meets the requirements for a “qualified provider” in 42 U.S.C. section 1396r-1(b)(2).

3. For presumptive eligibility determinations for parents and caretaker relatives, “presumptive eligibility qualified entity” means a qualifying hospital as provided in section 42 CFR 435.1110.

4. For presumptive eligibility determinations for breast and cervical cancer treatment, “presumptive eligibility qualified entity” means a Show-Me Healthy Women Provider which has a participation agreement with the Missouri Department of Health and Senior Services that meets the requirements for a “qualified entity” in 42 U.S.C. section 1396r-1b(b)(2).

5. For presumptive eligibility determinations for former foster care children, “presumptive eligibility qualified entity” means a qualifying hospital.

6. For presumptive eligibility determinations for adults between ages nineteen (19) and sixty-four (64), “presumptive eligibility qualified entity” means a qualifying hospital.

(4) A presumptive eligibility qualified entity shall make presumptive eligibility determinations subject to the requirements listed below:/—

(H) In making a presumptive eligibility determination, the presumptive eligibility qualified entity shall apply preliminary eligibility criteria established by applicable law and regulation, using forms provided by the division, and shall approve an application for presumptive eligibility only if the following requirements are met:

1. For children under the age of nineteen (19)—

A. The child must meet the same requirements for income

and United States and Missouri residency required for regular Medicaid coverage for children under nineteen (19); and

B. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;

2. For parents and caretaker relatives—

A. Individuals must be parents or other caretaker relatives (as defined in 42 CFR 435.4), including pregnant women, of a dependent child (as defined in 42 CFR 435.4) under age eighteen (18);

B. The individual must meet the same requirements for income and United States and Missouri residency required for regular Medicaid coverage for parents; and

C. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;

3. For pregnant women—

A. The individual must be pregnant;

B. The woman must meet the same requirements for income and United States and Missouri residency required for regular Medicaid coverage for pregnant women or for coverage under the Show-Me Healthy Baby program; and

C. The individual must not have already received benefits under a MO HealthNet presumptive eligibility program during the current pregnancy;

4. For breast and cervical cancer treatment—

A. The individual must be diagnosed with breast or cervical cancer by a Show-Me Healthy Women Provider unless the participant is diagnosed by a MO HealthNet provider while currently receiving MO HealthNet benefits;

B. The woman must meet the same requirements for income and United States and Missouri residency required for regular coverage under the Breast and Cervical Cancer Coverage program; and

C. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;

5. For former foster care children—

A. The individual must be in foster care under the responsibility of the state of Missouri as of their eighteenth birthday or within thirty (30) days prior to their eighteenth birthday;

B. The individual must be under the age of twenty-six (26) years old;

C. The individual must not be eligible for another MO HealthNet benefits group;

D. The individual must have been covered by MO HealthNet while they were in foster care;

E. The individual must be a Missouri resident; and

F. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period; **and**

6. For adults between ages nineteen (19) and sixty-four (64)—

A. **The adult must meet the requirements for income and United States and Missouri residency required for regular Medicaid coverage for adults between ages nineteen (19) and sixty-four (64) pursuant to 42 CFR 435.1103 and 435.1110; and**

B. **There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;**

AUTHORITY: sections 207.022[, RSMo Supp. 2014, section 208.151.1(22), RSMo Supp. 2013,] and [section] 660.017, RSMo [2000] 2016, and section 208.151.1(22), RSMo Supp. 2020. Original rule filed March 31, 2016, effective Sept. 30, 2016. Amended: Filed April 6, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The overall implementation of Article IV, Section

36(c) of the **Missouri Constitution**, pursuant to which the division is amending this regulation, is estimated to cost 1.85 billion dollars (\$1,850,000,000), which includes 282.2 million dollars (\$282,200,000) in GR/Other funding and 1.57 billion dollars (\$1,570,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13–Department of Social Services
Division Title: Division 40–Family Support Division (FSD)
Chapter Title: Chapter 7–Family Healthcare

Rule Number and Name:	13 CSR 40-7.050 Presumptive Eligibility
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services Department of Mental Health	\$0

III. WORKSHEET

The purpose of this proposed amendment is to comply with Amendment 2, the ratification of which created Section 36(c) of Article IV of the Missouri Constitution. Effective July 1, 2021, the Department of Social Services (DSS) shall extend MO HealthNet (Medicaid) coverage to persons age 19-64 with income under 133% of the federal poverty level. This proposed amendment clarifies DSS's existing regulation governing presumptive eligibility to ensure qualified hospitals are able to make presumptive eligibility determinations for the group known as the Adult Expansion Group.

The proposed regulation change will not have a fiscal impact. Overall implementation costs of Amendment 2 that modifies Section 36(c) of Article IV of the Missouri Constitution is estimated to cost \$1.85 billion total (\$282.2 million state share / \$1.57 billion federal) annually.

The incorporation by reference will have no fiscal impact since it does not substantively change anything the Department is not already doing.

IV. ASSUMPTIONS

N/A

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 94—Rural Health Clinic Program**

PROPOSED AMENDMENT

13 CSR 70-94.020 Provider-Based Rural Health Clinic. The department is amending sections (3)–(8) and (11), creating new sections (6) and (7), deleting sections (1), (2), and (12), and renumbering accordingly.

PURPOSE: This amendment deletes or clarifies outdated terms, language, and provisions regarding Provider-Based Rural Health Clinics.

[(1)] Authority. This is the payment methodology used to reimburse providers in the MO HealthNet Provider-Based Rural Health Clinic (RHC) Program.

(2) Qualifications. For a clinic to qualify for participation in the MO HealthNet Provider-Based RHC Program, the clinic must meet all of the following criteria:

(A) The clinic must be an integral part of a hospital, skilled nursing facility, or home health agency;

(B) The clinic must be eligible for certification as a Medicare rural health clinic in accordance with 42 CFR 405 and 491; and

(C) The clinic must be operated with other departments of the hospital, skilled nursing facility, or home health agency under common licensure, governance, and professional supervision.]

[(3)](1) General Principles.

(A) The MO HealthNet program shall reimburse [provider-based rural health providers] Provider-Based Rural Health Clinics (PBRHC) based on the reasonable cost incurred by the PBRHC to provide covered services, within program limitations, related to the care of MO HealthNet participants less any copayment or other third party liability amounts that may be due from the MO HealthNet-eligible individual.

(B) Reasonable costs shall be determined by the [MO HealthNet/ D]division based on a [desk] review of the applicable cost reports [and shall be subject to adjustment based on field audit]. Reasonable costs shall not exceed the Medicare cost principles set forth in 42 Code of Federal Regulations (CFR) parts 405 and 413.

[(4)](2) Definitions. The following definitions shall apply for the purpose of this rule:

(A) [Desk review.] “Audit” refers to [T]he [MO HealthNet/ D]division’s [review] or its authorized contractor’s audit of a [provider’s] hospital’s Medicaid cost report [without on-site audit];

(B) Division. Unless otherwise designated, “division” refers to the MO HealthNet Division, a division of the Department of Social Services charged with the administration of the MO HealthNet program;

(C) Cost-to-Charge Ratio (CCR). The CCR is determined by dividing the PBRHC cost by the PBRHC charges from the hospital’s Medicaid Cost Report Worksheet C Part I.

[(C)](D) [Facility f/]Fiscal [y/]Year (FY). The clinic’s [twelve (12)-month] fiscal reporting period that corresponds with the fiscal year of the hospital[, skilled nursing facility, or home health agency] where the clinic is based;

(E) PBRHC. A clinic that is an integral part of a hospital, eligible for certification as a Medicare rural health clinic in accordance with 42 CFR 405 and 491, and operates with other departments of a hospital;

[(D)](F) Generally Accepted Accounting Principles (GAAP). Accounting conventions, rules, and procedures necessary to describe

accepted accounting practice at a particular time promulgated by the authoritative body establishing those principles;

[(E)](G) Medicaid Cost Report. Shall be the cost reports defined in 13 CSR 70-15.010(2)(F), 13 CSR 70-15.010(5), and Missouri’s supplemental cost report schedules.

[1. Hospital-based RHCs. The documents used, for the purpose of reporting the cost of rendering both covered and noncovered services for the facility’s fiscal year, shall be the cost reports defined in 13 CSR 70-15.010(2)(C) and all worksheets supplied by the division.

2. Skilled nursing facility-based RHCs. The documents used, for the purpose of reporting the cost of rendering both covered and noncovered services for the facility’s fiscal year, shall be the skilled nursing facility Medicare cost report forms and all worksheets supplied by the division.

3. Home health agency-based RHCs. The documents used, for the purpose of reporting the cost of rendering both covered and noncovered services for the facility’s fiscal year, shall be the home health agency Medicare cost report forms and all worksheets supplied by the division;]

[(F)](H) Provider or facility. A [provider-based] PBRHC with a valid MO HealthNet participation agreement in effect with the Department of Social Services for the purpose of providing PBRHC services to MO HealthNet-eligible participants; and

[(G)](I) Incorporation by reference. This rule incorporates by reference the following:

1. 42 [Code of Federal Regulations (CFR)] Chapter IV, Part 405, which is incorporated by reference and made part of this rule as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and which is located on the website of the U.S. Government Publishing Office at <https://www.govinfo.gov/content/pkg/CFR-2000-title42-vol2/pdf/CFR-2000-title42-vol2-part405.pdf>, October 1, 2000. This rule does not incorporate any subsequent amendments or additions.

2. 42 CFR Chapter IV, Part 491, which is incorporated by reference and made part of this rule as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and which is located on the website of the U.S. Government Publishing Office at <https://www.govinfo.gov/content/pkg/CFR-2011-title42-vol5/pdf/CFR-2011-title42-vol5-part491.pdf>, October 1, 2011. This rule does not incorporate any subsequent amendments or additions.

3. 42 CFR Chapter IV, Part 413, which is incorporated by reference and made part of this rule as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and which is located on the website of the U.S. Government Publishing Office at <https://www.govinfo.gov/content/pkg/CFR-2011-title42-vol2/pdf/CFR-2011-title42-vol2-part413.pdf>, October 1, 2011. This rule does not incorporate any subsequent amendments or additions.

[4. 42 CFR Chapter IV, Part 413.17

5. 42 CFR Chapter IV, Part 413.20]

[6.]4. [Code of State Regulations (CSR) 13 70-15.010(2)(C)] The Rural Health Clinic Manual is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dssruletracker.mo.gov/dss-proposed-rules/welcome.action>, April 6, 2021. This rule does not incorporate any subsequent amendments or additions.

[7. 13 CSR 70-3.030

8. All worksheets supplied by the division

9. Medicare cost report]

[(5)](3) Administrative Actions.

(A) Annual Cost Report.

1. Each *[provider-based]* PBRHC shall *[complete a]* be **individually listed on the hospital's** Medicaid cost report *[for the provider-based RHC's twelve (12)-month fiscal period]*.

[2. Each provider-based RHC is required to complete and submit to the MO HealthNet Division an annual cost report, including all worksheets, attachments, schedules, and requests for additional information from the division. The cost report shall be submitted on forms provided by the division for that purpose.]

3. All cost reports shall be completed in accordance with the requirements of this rule and the cost report instructions. Financial reporting shall adhere to GAAP except as otherwise specifically indicated in this regulation.

4. The cost report shall be submitted within five (5) calendar months after the close of the reporting period. A single extension, not to exceed thirty (30) days, may be granted upon the request of the *[provider-based]* RHC and the approval of the MO HealthNet Division. The request must be received in writing by the division prior to the end of the five (5) calendar-month period after the close of the reporting period.

5. In a change of ownership, the cost report for the closing period must be submitted within forty-five (45) calendar days of the effective date of the change of ownership, unless the change in ownership coincides with the seller's fiscal year end, in which case the cost report must be submitted within five (5) calendar months after the close of the reporting period. No extensions in the submitting of cost reports shall be granted when a change in ownership has occurred.

6. Cost reports shall be submitted and certified by an officer or administrator of the provider. Failure to file a cost report within the prescribed period, except as expressly extended in writing by the state agency, may result in the imposition of sanctions as described in 13 CSR 70-3.030.

7. Authenticated copies of agreements and other significant documents related to the provider's operation and provision of care to MO HealthNet participants must be attached to the cost report at the time of filing unless current and accurate copies have already been filed with the division. Material that must be submitted includes, but is not limited to, the following:

A. Audit, review, or compilation statement prepared by an independent accountant, including disclosure statements and management letter;

B. Contracts or agreements involving the purchase of facilities or equipment during the last five (5) years if requested by the division, the department, or its agents;

C. Contracts or agreements with owners or related parties;

D. Contracts with consultants;

E. Schedule detailing all grants, gifts, and income from endowments, including amounts, restrictions, and use;

F. Documentation of expenditures, by line item, made under all restricted and unrestricted grants, gifts, or endowments;

G. Statement verifying the restrictions as specified by the donor, prior to donation, for all restricted grants;

H. Leases and/or rental agreements related to the activities of the provider;

I. Management contracts;

J. Provider of service contracts; and

K. Working trial balance used to prepare cost report with line number tracing notations or similar identifications.]

[8.]2. Under no circumstances will the division accept amended cost reports for final settlement determination or adjustment after the date of the division's notification of the final settlement amount.

(B) Records.

1. Maintenance and availability of records.

A. A provider must keep records in accordance with GAAP and maintain sufficient internal control and documentation to satisfy audit requirements and other requirements of this regulation, including reasonable requests by the division or its authorized *[agent]* **contractor** for additional information.

B. Adequate documentation for all line items on the cost report shall be maintained by a provider. Upon request, all original documentation and records must be made available for review by the division or its authorized *[agent at the same site at which the services were provided]* **contractor**. *[Copies of documentation and records shall be submitted to the division or its authorized agent upon request.]*

C. Records of related organizations, as defined by 42 CFR 413.17, must be available upon demand.

[D. The MO HealthNet Division shall retain all uniform cost reports submitted for a period of at least three (3) years following the date of submission of the reports and will maintain those reports pursuant to the record-keeping requirements of 42 CFR 413.20.]

[E.]D. Each facility shall retain all financial information, data, and records relating to the operation and reimbursement of the facility for a period of not less than five (5) years.

[2. Adequacy of records.]

A. The division may suspend reimbursement or reduce payments to the appropriate fee schedule amounts if it determines that the provider-based RHC does not maintain records that provide an adequate basis to determine payments under MO HealthNet.

B. The suspension or reduction continues until the provider-based RHC demonstrates to the division's satisfaction that it does, and will continue to, maintain adequate records.

(C) Audits.

1. Any cost report submitted may be subject to field audit by the division or its authorized agent.

2. A provider shall have available at the field audit location one (1) or more knowledgeable persons authorized by the provider. This person must be capable of explaining the provider's accounting and control system and cost report preparation, including all attachments and allocations.

3. If a provider maintains any records or documentation at a location that is different from the site where services were provided, the provider shall transfer the records to the same facility at which the services were provided, or the provider must reimburse the division or its authorized agent for reasonable travel costs necessary to perform any part of the field audit in any off-site location, if the location is acceptable to the division.

(D) Change in Provider Status. The next payment due the provider, after the division has received the notification of the termination of participation in the MO HealthNet program or change of ownership, may be held by the division until the cost report is filed. Upon receipt of a cost report prepared in accordance with this rule, the payments that were withheld will be released.]

[(6)](4) Non-allowable Costs. Cost not related to *[provider-based]* PBRHC services shall not be included in a provider's costs. Non-allowable cost areas include, but are not limited to, the following:

(A) Federal Reimbursement Allowance (FRA) Tax;

[(A)](B) Bad debts, charity, and courtesy allowances;

[(B)](C) Return on equity capital;

[(C)](D) Capital cost increases due solely to changes in ownership;

[(D)](E) Amortization on intangible assets, such as goodwill, leasehold rights, covenants, but excluding organizational costs;

[(E)](F) Attorney fees related to litigation involving state, local, or federal governmental entities and attorneys' fees that are not related to the provision of *[provider-based]* PBRHC services, such as litigation related to disputes between or among owners, operators, or administrators;

[(F)](G) Central office or pooled costs not attributable to the efficient and economical operation of the facility;

[(G)](H) Costs such as legal fees, accounting costs, administration costs, travel costs, and the costs of feasibility studies that are attributable to the negotiation or settlement of the sale or purchase of any capital asset by acquisition or merger for which any payment has been previously made under the program;

[(H)](I) Late charges and penalties;

[(I)](J) Finder's fees;

[(J)](K) Fund-raising expenses;

[(K)](L) Interest expense on intangible assets;

[(L)](M) Religious items or supplies or services of a primarily religious nature performed by priests, rabbis, ministers, or other similar types of professionals. Costs associated with portions of the physical plant used primarily for religious functions are also non-allowable;

[(M)](N) Research costs;

[(N)](O) Salaries, wages, or fees paid to non-working officers, employees, or consultants;

[(O)](P) Value of services (imputed or actual) rendered by non-paid workers or volunteers; and

[(P)](Q) Costs of services performed in a satellite clinic, which does not have a valid MO HealthNet participation agreement with the Department of Social Services for the purpose of providing *[provider-based]* PBRHC services to MO HealthNet-eligible participants.

[(7)](5) *[Interim] Fee-for-Service (FFS) Claims Payments.*

(A) *[Hospital-Based RHCs. Provider-based] Effective for dates of service beginning July 1 of each year, PBRHC services that are an integral part of the hospital, unless otherwise limited by regulation, shall be reimbursed [on an interim basis] by MO HealthNet, based on the clinic's usual and customary charges multiplied by the lower of one hundred percent (100%) or one hundred percent (100%) of the [Hospital Based Rural Health Clinic's] PBRHC's cost-to-charge ratio as determined from the third prior year audited [Medicare] Medicaid cost report. [Interim] These payments shall be reduced by copayments and other third party liabilities.*

[(B) Skilled Nursing Facility-Based RHCs and Home Health Agency-Based RHCs. Provider-based RHC services that are an integral part of the skilled nursing facility or home health agency, unless otherwise limited by regulation, shall be reimbursed on an interim basis by MO HealthNet, based on the clinic's usual and customary charges multiplied by the lower of the Medicare RHC rate or the rate approved by the MO HealthNet Division. Interim payments shall be reduced by copayments and other third party liabilities.

(C) A provider-based RHC in a MO HealthNet managed care region shall be eligible for supplemental reimbursement up to its interim MO HealthNet payment percentage. This reimbursement shall make up the difference between the provider-based MO HealthNet payment percentage and total managed care health plan payments to the clinic for managed care participants for covered services rendered to MO HealthNet managed care participants during the reporting period. The supplemental reimbursement shall occur pursuant to the schedule agreed to by the division and the provider-based RHC but shall occur no less frequently than every four (4) months. Supplemental reimbursement shall be requested on forms provided by the division. Supplemental reimbursement for managed care charges shall be considered interim reimbursement of the provider-based RHC's MO

HealthNet costs.]

(6) **Interim Managed Care Payments.**

(A) A PBRHC in a MO HealthNet managed care region may request an interim payment, on forms provided by the division, prior to the final settlement calculation. This payment is limited to the ten percent (10%) not reimbursed by the managed care health plans for covered services rendered to MO HealthNet managed care participants during the reporting period. The interim payment shall occur on a quarterly basis.

(7) **Final Settlement Calculations.**

(A) For cost reports with a FY ending in 2021 and forward, the final settlement is calculated as follows:

1. The audited Medicaid cost report that includes each PBRHC's fiscal year shall be used to calculate the final settlement, in order that the PBRHC's net reimbursement shall equal reasonable costs as described in this section;

2. **Fee-for-Service Section.**

A. The division takes the PBRHC's allowable Medicaid charges from services billed under this rule multiplied by the PBRHC's cost-to-charge ratio to determine the PBRHC's cost. From this cost, the PBRHC FFS claims payments are subtracted. The difference is either an overpayment or an underpayment;

3. **Managed Care Section.**

A. The division uses the PBRHC Form from the Medicaid Supplemental Packet, which is filed with the hospital cost report, and associated detail for the PBRHC facility to determine charges. These charges are multiplied by the PBRHC's cost-to-charge ratio to determine the PBRHC's cost. From this cost, the PBRHC payments associated with above charges are subtracted. If applicable then subtract any interim payments paid prior to the final settlement. The difference is either an overpayment or an underpayment; and

4. **Final Settlement Amount.**

A. The division adds together the overpayment or underpayment from the FFS Section and the Managed Care Section and then subtracts any advanced settlement payments, if applicable, to come up with a total overpayment or underpayment which will be the final settlement amount.

(B) For cost reports with a FY ending in 2020 and prior, the final settlement is calculated as follows:

1. The audited Medicare Notice of Program Reimbursement (NPR) cost report that includes each PBRHC's fiscal year shall be used to calculate the final settlement, in order that the PBRHC's net reimbursement shall equal reasonable costs as described in this section. The provider shall provide the NPR upon request from the division;

2. **Fee-for-Service Section.**

A. The division takes the PBRHC's allowable Medicaid charges from services billed under this rule multiplied by the PBRHC's Medicare NPR cost-to-charge ratio to determine the PBRHC's cost. From this cost, the PBRHC FFS claims payments are subtracted. The difference is either an overpayment or an underpayment;

3. **Managed Care Section.**

A. The division uses the PBRHC Form from the Medicaid Supplemental Packet, which is filed with the hospital cost report, and associated detail for the PBRHC facility to determine charges. These charges are multiplied by the PBRHC's cost-to-charge ratio to determine the PBRHC's cost. From this cost, the PBRHC payments associated with above charges are subtracted. If applicable then subtract any interim payments paid prior to the final settlement. The difference is either an overpayment or an underpayment; and

4. **Final Settlement Amount.**

A. The division adds together the overpayment or underpayment from the FFS Section and the Managed Care Section

and then subtracts any advanced settlement payments, if applicable, to come up with a total overpayment or underpayment which will be the final settlement amount.

(8) Reconciliation.

[(A) The state agency shall perform an annual desk review of the Medicaid cost reports for each provider-based RHC's fiscal year and shall make indicated adjustments of additional payment or recoupment, in order that the provider-based RHC's net reimbursement shall equal reasonable costs as described in this section.]

[(B)](A) [Notice of Program Reimbursement.] The division shall send written notice to the *[provider-based RHC] hospital, of which the PBRHC is an integral part,* of the following:

1. Underpayments. If the total reimbursement due the PBRHC exceeds the interim payments made for the reporting period, the division makes a lump-sum payment to the PBRHC to bring total interim payments into agreement with total reimbursement due to the PBRHC; and/or

2. Overpayments. If the total interim payments made to *[an] the PBRHC* for the reporting period exceed the total reimbursement due from the PBRHC for the period, the division arranges with the PBRHC for repayment through a lump-sum refund, or if that poses a hardship for the PBRHC, through offset against subsequent interim payments or a combination of offset and refund.

[(C) The annual desk review will be subject to adjustment based on the results of a field audit that may be conducted by the division or its contracted agents.]

(11) Payment Assurance. *[(A)]* The state will pay each PBRHC, which furnishes the services in accordance with the requirements of the state plan, the amount determined for services furnished by the PBRHC according to the standards and methods set forth in the regulations implementing the PBRHC Reimbursement Program.

[(B) RHC services provided for those participants having available Medicare benefits shall be reimbursed by MO HealthNet to the extent of the coinsurance and deductible as imposed under Title XVIII.]

[(C) Where third-party payment is involved, MO HealthNet will be the payer of last resort.]

[(D) Regardless of changes of ownership, management, control, or leasehold interests by whatever form for any RHC previously certified for participation in the MO HealthNet program, the department will continue to make all the MO HealthNet payments directly to the entity with the RHC's current provider number and hold the entity with the current provider number responsible for all MO HealthNet liabilities.]

(12) *Payment in Full.* Participation in the MO HealthNet program shall be limited to providers who accept as payment in full, for covered services rendered to MO HealthNet participants, the amount paid in accordance with these regulations and applicable copayments.]

AUTHORITY: sections 208.201 and 660.017, RSMo [Supp. 2007] 2016. Original rule filed June 30, 1995, effective Jan. 30, 1996. Amended: Filed May 14, 1999, effective Nov. 30, 1999. Amended: Filed Aug. 15, 2008, effective Feb. 28, 2009. Amended: Filed April 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate for SFY 2021-2023. For SFY 2024, the proposed amendment will save the state an estimated three million, one hundred ninety-two thousand, one hundred seventeen dollars (\$3,192,117) with an estimated state share savings of one million, one hundred twenty-four thousand, one hundred seventy dollars (\$1,124,170). For SFY 2024, the proposed amendment will cost pub-

lic entities an estimated one million, one hundred thirteen thousand, three hundred fifteen dollars (\$1,113,315).

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate for SFY 2021-2023. For SFY 2024, the proposed amendment will cost private entities an estimated two million, seventy-eight thousand, eight hundred and two dollars (\$2,078,802).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing will be scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 94 – Rural Health Clinic Program

Rule Number and Title:	13 CSR 70-94.020 Provider Based Rural Health Clinic
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public In-state hospital based clinics - 78	\$0
Department of Social Services, MO HealthNet Division	\$0

III. WORKSHEET

N/A

IV. ASSUMPTIONS

The MHD does not anticipate a fiscal impact from this change until at least SFY 2024; therefore, there will not be an impact for SFY 2021, SFY 2022, or SFY 2023.

The anticipated fiscal impact for SFY 2024 is as follows:

<u>Impact for State Fiscal Year 2024:</u>	
Estimated annual impact to in-state hospital based clinics	\$1,113,315.00
<u>Department of Social Services, MO HealthNet Division Savings:</u>	
<u>Savings for State Fiscal Year 2024:</u>	
State Fiscal Year 2024 Estimated Savings	(\$3,192,117.00)
Estimated State Share Savings	(\$1,124,170.00)

This reflects the annual estimated impact based on a clinic-by-clinic analysis of the change in the final settlement calculation for Provider Based Rural Health Clinics. The impact represents an estimate of the settlements using the cost to charge ratio from the 2015 Medicaid Cost Report as the basis compared to the current settlement calculation, which uses the 2015 Medicare Notice of Program Reimbursement (NPR).

The estimated state share savings for the private PBRHCs is based 65.65% FMAP. The estimated state share savings for the public PBRHCs is based on the facility's fiscal year end.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 94 – Rural Health Clinic Program

Rule Number and Title:	13 CSR 70-94.020 Provider-Based Rural Health Clinic
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
In-state hospital based clinics – 142	Private Provider Based Rural Health Clinics associated with in-state hospitals enrolled in MO HealthNet	\$0

III. WORKSHEET

N/A

IV. ASSUMPTIONS

The MHD does not anticipate a fiscal impact from this change until at least SFY 2024, therefore, there will not be an impact for SFY 2021, SFY 2022, or SFY 2023.

The anticipated fiscal impact for SFY 2024 is as follows:

<u>Impact for State Fiscal Year 2024:</u>	
Estimated annual impact to in-state hospital based clinics	\$2,078,802.00

This reflects the annual estimated impact based on a clinic-by-clinic analysis of the change in the final settlement calculation for Provider Based Rural Health Clinics. The impact represents an estimate of the settlements using the cost to charge ratio from the 2015 Medicaid Cost Report as the basis compared to the current settlement calculation, which uses the 2015 Medicare Notice of Program Reimbursement (NPR).

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 200—Insurance Solvency and Company Regulation****Chapter 22—Pharmacy Benefits Managers****PROPOSED RULE****20 CSR 200-22.010 Licensing Procedures for Pharmacy Benefits Managers**

PURPOSE: This rule prescribes the license application process and fee required for Pharmacy Benefits Managers. All forms referenced in this regulation may be accessed at the department's website at www.insurance.mo.gov/pbm/pbm-form.php. This rule is adopted pursuant to sections 374.045, 374.230, RSMo and implements section 376.393, RSMo.

(1) Any entity required to be licensed as a pharmacy benefits manager pursuant to section 376.393, RSMo, shall submit to the department a completed application form, found at www.insurance.mo.gov/pbm/pbm-form.php, and a one thousand dollar (\$1,000) application fee. A pharmacy benefits manager license shall be effective for one (1) year from the date it is issued by the department.

(2) Entities seeking renewal of their pharmacy benefits manager license shall submit to the department a completed application form found at www.insurance.mo.gov/pbm/pbm-form.php and a one thousand dollar (\$1,000) application fee.

(3) All pharmacy benefits managers must notify the department of any changes in application information supplied to the department within sixty (60) calendar days of the date of the change.

AUTHORITY: section 374.045, RSMo 2016, and sections 374.230 and 376.393, RSMo Supp. 2020. Emergency rule filed Aug. 11, 2020, effective Aug. 28, 2020, expires Feb. 23, 2021. Original rule filed April 8, 2021.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Commerce and Insurance, Attention: Meaghan Forck, PO Box 690, Jefferson City, Missouri 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for June 17, 2021 at 9:30 a.m. The hearing will be held at 301 W High Street, Suite 530, Jefferson City, Missouri 65101.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 2120—State Board of Embalmers and Funeral Directors****Chapter 3—Preneed****PROPOSED RESCISSION**

20 CSR 2120-3.400 Preneed Agents—Requirements of Agent's Seller. This rule explained that any licensed preneed agent in the

state of Missouri must be selling preneed contracts on behalf of a seller who is licensed in the state of Missouri.

PURPOSE: The purpose of this rescission is a result of relevant information being moved to other regulations.

AUTHORITY: sections 333.011(9), 333.320, 333.325, 333.340, and 436.520, RSMo Supp. 2009. Emergency rule filed Dec. 4, 2009, effective Dec. 14, 2009, expired June 11, 2010. Original rule filed Dec. 4, 2009, effective June 30, 2010. Rescinded: Filed April 13, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Embalmers and Funeral Directors, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 2120—State Board of Embalmers and Funeral Directors****Chapter 3—Preneed****PROPOSED RESCISSION**

20 CSR 2120-3.405 Preneed Agents—Missouri Law Exam. This rule prescribed the process for certifying preneed seller agents to take the Missouri Law exam as a requirement for registration.

PURPOSE: The rule is being rescinded so that a readoption can be filed that provides additional clarification.

AUTHORITY: sections 333.325.5 and 333.340, RSMo Supp. 2009. Emergency rule filed Sept. 24, 2009, effective Oct. 4, 2009, terminated Nov. 2, 2009. Emergency rule filed Oct. 23, 2009, effective Nov. 2, 2009, expired April 1, 2010. Original rule filed Sept. 24, 2009, effective April 30, 2010. Rescinded: Filed April 13, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Embalmers and Funeral Directors, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 3—Preneed**

65102-0423, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PROPOSED RULE

20 CSR 2120-3.405 Preneed Agents

PURPOSE: This rule outlines the provisions for the practice of preneed agent.

(1) Any individual who desires to be registered as a preneed agent shall—

(A) Make application with the board on the forms provided by the board and pay applicable fees;

(B) Provide the name, address, and license number of each preneed seller who has authorized the applicant to sell, negotiate, or solicit preneed contracts on their behalf; and

(C) Achieve a score of seventy-five (75) or greater on the Missouri Law examination.

(2) Any individual that is currently licensed by the board as a funeral director and desires to be registered as a preneed agent shall—

(A) Make application with the board on the forms provided by the board; and

(B) Provide the name, address, and license number of each preneed seller who has authorized the applicant to sell, negotiate, or solicit preneed contracts on their behalf.

(3) An applicant that does not meet the requirements of the board for registration within one (1) year after the application is filed with the board and still desires to seek licensure shall file a new application and pay applicable fees.

(4) If there is a change in a preneed seller that an agent is authorized to sell, negotiate, or solicit preneed contracts, the agent shall notify the board in writing and include the name, address, and license number of the new seller prior to the agent beginning to work on behalf of the seller.

(5) Any preneed agent registered by the board to sell a preneed contract for or on behalf of a seller must be the agent of a seller who is licensed to sell preneed contracts by the State Board of Embalmers and Funeral Directors.

AUTHORITY: sections 333.011(9), 333.320, 333.325.5, 333.340, and 436.520, RSMo 2016. Emergency rule filed Sept. 24, 2009, effective Oct. 4, 2009, terminated Nov. 2, 2009. Emergency rule filed Oct. 23, 2009, effective Nov. 2, 2009, expired April 1, 2010. Original rule filed Sept. 24, 2009, effective April 30, 2010. Rescinded and readopted: Filed April 13, 2021.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities eighteen thousand two hundred twenty dollars (\$18,220) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Embalmers and Funeral Directors, Lori Hayes, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Commerce and Insurance
Division 2120 - State Board of Embalmers and Funeral Directors
Chapter 3 - Preneed
Proposed Rule 20 CSR 2120-3.405 Preneed Agents

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated costs for the life of the rule by affected entities:
69	Preneed Agent Registration (Fee @ \$40)	\$2,760
10	Provider Application with Funeral Establishment (Fee @ \$100)	\$1,000
69	Criminal Background Check (Fee @ \$14)	\$966
95	Missouri Law Exam (Fee @ \$140)	\$13,300
1	Preneed Agent Registration - Reapplication (Fee @ \$40)	\$40
1	Criminal Background Check - Reapplication (Fee @ \$14)	\$14
1	Missouri Law Exam - Reapplication (Fee @ \$140)	\$140
Estimated Cost of Compliance Annually for the Life of the Rule		\$18,220

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The above figures are based on staff estimates.
2. An average of 69 applicants are received annually. In 2020 a total of 26 applicants reapplied to take Missouri law exam a second time.

3. Costs related to traveling to and from the testing sites will vary due to multiple testing sites and various traveling distances, therefore, they were not calculated in this fiscal note. There are 5 sites in Missouri that will provide the exam. The maximum travel time is estimated at 6 hours round trip, therefore, costs for lodging and meals are unnecessary in most cases. Finally, additional travel costs would include mileage to and from the testing site and would vary based on where the licensee lives.
3. The board estimates one applicant will have to reapply after one year for not meeting the licensure requirements.
4. Applicants may incur minimal photocopy and postage expenses to submit documents to the board. Photocopy and postage expenses are not being calculated in this fiscal note.
5. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The costs accounted for in this fiscal note are not actually new costs, but costs that already exist. All costs associated with a rule must be re-accounted for when rescinding and readopting a rule.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**
**Division 2120—State Board of Embalmers and Funeral
Directors**
Chapter 3—Preneed

PROPOSED RESCISSION

20 CSR 2120-3.410 Preneed Agent's Seller Must Be Licensed. This rule explained that any licensed preneed agent in the state of Missouri must be selling preneed contracts on behalf of a seller who is licensed in the state of Missouri.

PURPOSE: The purpose of this rescission is a result of relevant information being moved to other regulations.

AUTHORITY: sections 333.011(9), 333.320, 333.325, 333.340, and 436.520, RSMo Supp. 2009. Emergency rule filed Dec. 4, 2009, effective Dec. 14, 2009, expired June 11, 2010. Original rule filed Dec. 4, 2009, effective June 30, 2010. Rescinded: Filed April 13, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Embalmers and Funeral Directors, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155, or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE
AND INSURANCE**
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

PROPOSED RESCISSION

20 CSR 2220-2.016 Pharmacy Operating Procedures During Declared Disasters. This rule established guidelines and temporary relocation of a pharmacy during a declared disaster.

PURPOSE: This rule is being rescinded and re-promulgated to address both disasters and state/federal emergencies.

AUTHORITY: sections 338.210 and 338.280, RSMo 2016. This rule originally filed as 4 CSR 220-2.016. Original rule filed May 4, 1995, effective Dec. 30, 1995. Moved to 20 CSR 2220-2.016, effective Aug. 28, 2006. Amended: Filed May 13, 2019, effective Nov. 30, 2019. Rescinded: Filed April 8, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the

Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

PROPOSED RULE

20 CSR 2220-2.016 Pharmacy Operations During an Emergency or Declared Disaster

PURPOSE: This rule establishes guidelines for temporary pharmacy operations during an emergency or declared disaster.

(1) Definitions.

(A) "Disaster Area"—A specified geographical area within the state that has been designated by the governor or federal authorities as an area that has been adversely affected by a natural or man-made disaster and that requires extraordinary measures to provide adequate, safe, and effective health care for the affected population.

(B) "Emergency Situation"—An emergency caused by a natural or man-made disaster that substantially prevents a Missouri licensed pharmacy from providing pharmacy services at the pharmacy's permitted location.

(C) "Home Pharmacy"—A Missouri licensed pharmacy that operates or applies for an emergency temporary pharmacy permit pursuant to this rule.

(D) "Emergency Declaration"—A state or federally declared emergency or disaster that impacts Missouri patients.

(2) Emergency Situations. A pharmacy that is substantially unable to provide pharmacy services at their permitted location due to an emergency situation may file a change of location application with the board to provide pharmacy services at a temporary site. No application fee shall apply. The location change must be approved by the board prior to changing locations and the designated location must successfully pass a board inspection.

(A) Approval of a temporary change of location under this rule will be based on the need, type, and scope of the emergency situation, as well as the ability of the pharmacy to ensure proper security and comply with state and federal drug laws.

(B) Unless otherwise approved by the board for good cause, temporary pharmacy permits shall be valid for up to six (6) months, if requested. A change of location application is required if the pharmacy will be operating at a temporary location for more than the allowed six (6) months or desires to permanently remain at the temporary site.

(C) The board may waive designated facility or pharmacy operational requirements at a temporary location to prevent the interruption of pharmacy services. Waiver requests must be submitted in writing and must demonstrate how the permit holder will maintain patient safety and ensure adequate security.

(D) A change of location application must be filed with the board when the home pharmacy is ready to return to their original permitted location. No fee will apply. The permitted location must pass a board inspection prior to resuming pharmacy services at the original location.

(E) Records must be maintained as required by Chapter 338, RSMo, and the rules of the board.

(F) Approval of a temporary location change does not interfere with any rights or privileges of a pharmacy permit holder at the original pharmacy location, or prevent a permit holder from applying for

a change of location as outlined in the board's rules.

(3) Emergency Declarations/Disaster Areas. A Missouri licensed pharmacy located in Missouri may apply for an emergency temporary pharmacy permit to provide pharmacy services to Missouri patients impacted by an emergency declaration or located in a disaster area. Applications for an emergency temporary pharmacy permit must be submitted on a form provided by the board with the applicable fee, and must demonstrate that the temporary pharmacy is needed to ensure adequate pharmacy services are reasonably available for impacted patients. The following additional requirements apply, unless otherwise approved by the board:

(A) The temporary pharmacy permit shall be considered part of the home pharmacy's permit and not a separate pharmacy permit. The home pharmacy and the temporary pharmacy must have the same pharmacist-in-charge. The home pharmacy is responsible for ensuring compliance with all applicable state and federal law at a temporary pharmacy licensed under this rule;

(B) Unless otherwise approved by the board, temporary pharmacy permits will only be approved for a designated location and for the pharmacy classifications authorized on the home pharmacy's permit prior to the declared disaster or emergency declaration;

(C) Approval of an emergency temporary pharmacy permit will be based on the need, type, and scope of emergency or disaster, as well as the pharmacy's ability to maintain proper security and comply with applicable state and federal law, including, section 338.240, RSMo;

(D) The temporary location must successfully pass a board inspection before a temporary pharmacy permit is issued. Additionally, temporary pharmacies must be available for inspection, as requested by the board or the board's authorized designee;

(E) The board may waive designated facility or pharmacy operational requirements to prevent the interruption of pharmacy services at an emergency temporary pharmacy. Waiver requests must be submitted in writing and must demonstrate how the permit holder will maintain patient safety and adequate pharmacy security, if approved. Controlled substances must be handled and dispensed in accordance with state and federal law;

(F) Temporary pharmacy permits issued under this section are valid for thirty (30) days but may be renewed at the discretion of the board. To renew, the home pharmacy must file a written request with the board and demonstrate that renewal of the temporary pharmacy permit is needed to protect the public health and ensure access to pharmacy services;

(G) Temporary pharmacies approved under this section must terminate services on the expiration date approved by the board or within five (5) days after the disaster area designation or emergency declaration is withdrawn or terminated, whichever is earlier; and

(H) Records must be maintained as required by Chapter 338, RSMo, and the rules of the board. Required records must be maintained at the home pharmacy after the temporary pharmacy permit closes, and must be available for inspection or copying by the board or the board's authorized designee.

AUTHORITY: sections 338.043 and 338.280, RSMo 2016, and sections 338.210, 338.220, and 338.333, RSMo Supp. 2020. This rule originally filed as 4 CSR 220-2.016. Original rule filed May 4, 1995, effective Dec. 30, 1995. Moved to 20 CSR 2220-2.016, effective Aug. 28, 2006. Amended: Filed May 13, 2019, effective Nov. 30, 2019. Rescinded and readopted: Filed April 8, 2021.

PUBLIC COST: This proposed rule will result in a decrease in revenue to the State Board of Pharmacy of two thousand six hundred fifty dollars (\$2,650) annually for the life of the rule, as reflected in the attached public fiscal note.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Commerce and Insurance**
Division Title: State Board of Pharmacy
Chapter Title: General Rules

Rule Number and Name:	20 CSR 2220-2.014 Pharmacy Operations During An Emergency or Declared Disaster
Type of Rulemaking:	Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Fiscal Impact
State Board of Pharmacy	-\$ 2,650 (Annual Revenue Decrease)

III. WORKSHEET

Estimated # of Applicants/Licensees	Affected Agency	Description of Costs	Calculation of Estimates	TOTAL REVENUE DECREASE
5 Pharmacies Impacted by a Disaster	Board of Pharmacy	Pharmacist Change of Location Fee	\$1,750 (anticipated annual decrease)	\$ 1,750
3 Temporary Pharmacies	Board of Pharmacy	Pharmacy Permit Fee	\$ 900 (anticipated annual decrease)	\$ 900
TOTAL ESTIMATED COSTS			-\$ 2,650 (Projected revenue decrease)	

IV. ASSUMPTIONS

1. The Board is unable to estimate the number of pharmacies/temporary pharmacies that may be exempted from application fees under the proposed rule. However, based on current Board inspection information, the Board estimates approximately five (5) pharmacies will be exempt from the change of location fee due to a natural or man-made disaster. The Board further estimates approximately three (3) pharmacies will annually apply for an emergency temporary pharmacy permit to provide pharmacy services during a disaster or state/federal emergency.

2. Accordingly, the Board estimates fiscal costs of approximately \$2,650:
 - \$1,750 = (5 pharmacies X \$175 change of location application fee X 2 required change of location applications annually)** +
 - \$900 (3 temporary pharmacy permit applications annually X \$300 application fee).

*** A separate change of location application would be required when the pharmacy moves to a new location, and when the pharmacy returns to its original location.*

3. Actual revenue decreases may vary based on the type of emergency/disaster and the number of applications received.
4. The projected revenue decrease will result in a net savings to pharmacies impacted by, or providing pharmacy services during, a disaster or state/federal emergency.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2220-2.200 Sterile Compounding. The board is amending subsection (5)(C) of this rule.

PURPOSE: This amendment removes the requirement that Risk Level 3 preparations must remain Risk Level 3 for the life of the preparation.

(5) Facilities and Equipment. The pharmacy shall establish and follow proper controls to ensure environmental quality, prevent environmental contamination, and maintain air quality in all ISO classified areas.

(C) Risk Level 3: In addition to Risk Level 1 and 2 requirements, Risk Level 3 preparations must be prepared in a PEC located in a buffer area or prepared in a RABS located within a controlled area. All non-sterile equipment that is to come in contact with the sterilized final preparation must be sterilized before introduction in the buffer area or into the RABS. *[Once compounded, Risk Level 3 preparations shall at a minimum remain Risk Level 3 for the life of the preparation.]*

AUTHORITY: sections [338.140,] 338.240[,] and 338.280, RSMo 2016, and sections 338.010 and 338.140, RSMo Supp. [2018] 2020. This rule originally filed as 4 CSR 220-2.200. Original rule filed May 4, 1992, effective Feb. 26, 1993. For intervening history, please consult the Code of State Regulations. Emergency amendment filed April 14, 2021, effective April 28, 2021, expires Feb. 7, 2022. Amended: Filed April 14, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 15—Cafeteria Plan**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Administration under section 33.103, RSMo 2016, the commissioner amends a rule as follows:

1 CSR 10-15.010 Cafeteria Plan is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2021 (46 MoReg 187-260). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092 and 162.685, RSMo 2016, the board hereby amends a rule as follows:

5 CSR 20-300.110 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. During December 2020 and January 2021, the Office of Special Education conducted two (2) public hearing webinars regarding proposed changes to the Part B State Plan implementing the Individuals with Disabilities Education Act (IDEA).

This rule becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's services for children with disabilities, in accordance with Part B of the Individuals with Disabilities Education Act (IDEA).

5 CSR 20-300.110 Individuals with Disabilities Education Act, Part B

(2) The content of this state plan for the Individuals with Disabilities Education Act (IDEA), Part B (revised March 2021), which is hereby incorporated by reference and made a part of this rule, meets the federal statute and Missouri's compliance in the following areas. A copy of the IDEA, Part B is published by and can be obtained from the Department of Elementary and Secondary Education, Office of Special Education, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and at its website at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials/IDEAPartB-2014>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092 and 162.685, RSMo 2016. This rule previously filed as 5 CSR 70-742.140. Original rule filed April 11, 1975, effective April 21, 1975. For intervening history, please consult the Code of State Regulations.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 2045—Athlete Agents
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Office of Athlete Agents under section 436.239, RSMo 2016, the office amends a rule as follows:

20 CSR 2045-1.010 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2021 (46 MoReg 260-261). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 7—Licensing**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.035 and 338.140, RSMo Supp. 2020, the board amends a rule as follows:

20 CSR 2220-7.025 Intern Pharmacist Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2021 (46 MoReg 263-264). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

NOTICE OF WINDING UP

TO ALL CREDITORS OF AND CLAIMANTS AGAINST TAB DME LLC

On this 14th day of April, 2021, TAB DME LLC filed its Notice of winding Up for TAB DME LLC with the Missouri Secretary of State. TAB DME LLC requests that all persons and organizations who have claims against TAB DME LLC, present them immediately by letter to:

PATRICK N. MEHAN, Attorney at Law
7905 Forsyth Blvd., Clayton, MO 63105

All claims must include the following information:

- (a) name and address of the claimant;
- (b) the amount claimed;
- (c) date on which the claim arose;
- (d) basis for the claim and documentation thereof; and
- (e) whether or not the claim was secured and, if so, the collateral used as security

All claims against TAB DME LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) year for TAB DME LLC after the date of publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMS AGAINST LSI-LOWERY SYSTEMS, INC.

On March 3, 2021, LSI-Lowery Systems, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against LSI-Lowery Systems, Inc. you must submit a summary in writing of the circumstances surrounding your claim to LSI-Lowery Systems, Inc. at 1600 S. Big Bend Blvd., St. Louis, MO 63117. The summary of your claim must include the following information: 1) The name, address, and telephone number of the claimant; 2) The amount of the claim; 3) The date on which the event on which the claim is based occurred; and 4) A brief description of the nature of the debt or the basis for the claim.

All claims against LSI-Lowery Systems, Inc. will be barred unless the proceeding to enforce the claim is commenced within 2 years after the publication of this Notice.

**NOTICE OF WINDING UP AND DISSOLUTION
TO ALL CREDITORS AND CLAIMANTS AGAINST
RETIREMENT PLAN SERVICES, LLC**

RETIREMENT PLAN SERVICES, LLC, a Missouri limited liability company, plans to dissolve and has filed a Notice of Winding Up with the Missouri Secretary of State on April 1, 2021. Any and all claims against RETIREMENT PLAN SERVICES, LLC should be forwarded to: c/o David L. Davidson and Kimberly Beal, 1699 S. Hanley Road, #300, St. Louis, Missouri 63144. Each claim should include the following: (i) the name, address and telephone number of the claimant; (ii) the amount of the claim; (iii) the basis for the claim; and (iv) documentation of the claim. Any claims against RETIREMENT PLAN SERVICES, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF CORPORATION DISSOLUTION

To: All creditors of and claimants against Testimonial Video, Inc.

On April 15, 2021, Testimonial Video, Inc., a Missouri corporation, Charter Number **00559117**, file its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State

All persons or organizations having claims against Testimonial Video, Inc., are required to present them immediately in writing to:

Gayle Evans, Attorney at Law
CHINNERY EVANS & NAIL, P.C.
800 NE Vanderbilt Lane
Lee's Summit, MO 64064

Each claim must contain the following information:

1. Name and current address of the claimant.
2. A clear and concise statement of the facts supporting the claim.
3. The date the claim was incurred.
4. The amount of money or alternate relief demanded.

NOTE: CLAIMS AGAINST TESTIMONIAL VIDEO, INC., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THIS NOTICE.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				45 MoReg 1926
1 CSR 10-15.010	Commissioner of Administration	46 MoReg 109	46 MoReg 187	This Issue	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	46 MoReg 39T			
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health	46 MoReg 393	46 MoReg 397		
2 CSR 80-3.001	State Milk Board		45 MoReg 1657	46 MoReg 511	
2 CSR 80-3.010	State Milk Board		45 MoReg 1657R	46 MoReg 511R	
2 CSR 80-3.020	State Milk Board		45 MoReg 1955	46 MoReg 708	
2 CSR 80-3.030	State Milk Board		45 MoReg 1955	46 MoReg 708	
2 CSR 80-3.040	State Milk Board		45 MoReg 1956	46 MoReg 708	
2 CSR 80-3.050	State Milk Board		45 MoReg 1658R	46 MoReg 511R	
2 CSR 80-3.060	State Milk Board		45 MoReg 1956	46 MoReg 708	
2 CSR 80-3.070	State Milk Board		45 MoReg 1957	46 MoReg 709	
2 CSR 80-3.080	State Milk Board		45 MoReg 1959	46 MoReg 709	
2 CSR 80-3.120	State Milk Board		45 MoReg 1658R	46 MoReg 511R	
2 CSR 90-30.040	Weights, Measures and Consumer Protection		46 MoReg 753		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		46 MoReg 397		
3 CSR 10-4.135	Conservation Commission		46 MoReg 398		
3 CSR 10-6.550	Conservation Commission		46 MoReg 398		
3 CSR 10-6.605	Conservation Commission		46 MoReg 398		
3 CSR 10-7.405	Conservation Commission		46 MoReg 10	46 MoReg 768	
3 CSR 10-7.410	Conservation Commission		46 MoReg 11	46 MoReg 768	
3 CSR 10-7.439	Conservation Commission		46 MoReg 399		
3 CSR 10-7.440	Conservation Commission			46 MoReg 769	
3 CSR 10-7.705	Conservation Commission			46 MoReg 770	
3 CSR 10-7.710	Conservation Commission			46 MoReg 770	
3 CSR 10-7.900	Conservation Commission			46 MoReg 771	
3 CSR 10-7.905	Conservation Commission			46 MoReg 771	
3 CSR 10-9.105	Conservation Commission		46 MoReg 399		
3 CSR 10-9.110	Conservation Commission		46 MoReg 404		
3 CSR 10-9.220	Conservation Commission		46 MoReg 404		
3 CSR 10-9.223	Conservation Commission		46 MoReg 407		
3 CSR 10-9.230	Conservation Commission		46 MoReg 407		
3 CSR 10-9.240	Conservation Commission		46 MoReg 408		
3 CSR 10-9.250	Conservation Commission		46 MoReg 408		
3 CSR 10-9.350	Conservation Commission		46 MoReg 408		
3 CSR 10-9.351	Conservation Commission		46 MoReg 409		
3 CSR 10-9.352	Conservation Commission		46 MoReg 411		
3 CSR 10-9.353	Conservation Commission		46 MoReg 413		
3 CSR 10-9.354	Conservation Commission		46 MoReg 415		
3 CSR 10-9.359	Conservation Commission		46 MoReg 420		
3 CSR 10-9.360	Conservation Commission		46 MoReg 420		
3 CSR 10-9.370	Conservation Commission		46 MoReg 421		
3 CSR 10-9.371	Conservation Commission		46 MoReg 424		
3 CSR 10-9.372	Conservation Commission		46 MoReg 429		
3 CSR 10-9.442	Conservation Commission		46 MoReg 429		
3 CSR 10-9.560	Conservation Commission		46 MoReg 429		
3 CSR 10-9.565	Conservation Commission		46 MoReg 430		
3 CSR 10-9.566	Conservation Commission		46 MoReg 434		
3 CSR 10-10.725	Conservation Commission		46 MoReg 434		
3 CSR 10-10.739	Conservation Commission		46 MoReg 434		
3 CSR 10-10.744	Conservation Commission		46 MoReg 435		
3 CSR 10-10.767	Conservation Commission		46 MoReg 435		
3 CSR 10-11.186	Conservation Commission		46 MoReg 436		
3 CSR 10-11.210	Conservation Commission			46 MoReg 467	
3 CSR 10-11.215	Conservation Commission			46 MoReg 467	
3 CSR 10-12.109	Conservation Commission		46 MoReg 436		
3 CSR 10-12.110	Conservation Commission		46 MoReg 436		
3 CSR 10-20.805	Conservation Commission		46 MoReg 437		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.230	Division of Learning Services		45 MoReg 1067 46 MoReg 47	45 MoReg 1913	
5 CSR 20-100.275	Division of Learning Services		46 MoReg 49		
5 CSR 20-300.110	Division of Learning Services			This Issue	
5 CSR 20-400.180	Division of Learning Services		45 MoReg 1863	46 MoReg 709	
5 CSR 20-400.500	Division of Learning Services		45 MoReg 1863 46 MoReg 754	46 MoReg 710	
5 CSR 20-400.510	Division of Learning Services		45 MoReg 1864	46 MoReg 711	
5 CSR 20-400.520	Division of Learning Services		45 MoReg 1864	46 MoReg 712	
5 CSR 20-400.530	Division of Learning Services		45 MoReg 1865	46 MoReg 714	
5 CSR 20-400.540	Division of Learning Services		45 MoReg 1866	46 MoReg 715	
5 CSR 20-400.550	Division of Learning Services		45 MoReg 1866	46 MoReg 716	
5 CSR 20-400.560	Division of Learning Services		45 MoReg 1867	46 MoReg 717	
5 CSR 20-400.620	Division of Learning Services		46 MoReg 316		
5 CSR 20-400.630	Division of Learning Services		46 MoReg 316		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 30-660.085	Division of Financial and Administrative Services		46 MoReg 317R		
5 CSR 100-200.135	Missouri Commission for the Deaf and Hard of Hearing		46 MoReg 50	46 MoReg 771	
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		46 MoReg 437		
MISSOURI DEPARTMENT OF TRANSPORTATION					
7 CSR 10-3.010	Missouri Highways and Transportation Commission		45 MoReg 1596	46 MoReg 512	
7 CSR 10-3.020	Missouri Highways and Transportation Commission		45 MoReg 1598	46 MoReg 512	
7 CSR 10-25.020	Missouri Highways and Transportation Commission		45 MoReg 1779	46 MoReg 718	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-7.010	Labor and Industrial Relations Commission		46 MoReg 606R		
8 CSR 50-5.007	Division of Workers' Compensation	46 MoReg 305	46 MoReg 440		
8 CSR 50-6.010	Division of Workers' Compensation		46 MoReg 606R		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 30-3.150	Certification Standards		46 MoReg 754		
9 CSR 30-3.201	Certification Standards		45 MoReg 1960	46 MoReg 718	
9 CSR 30-3.202	Certification Standards		45 MoReg 1960	46 MoReg 719	
9 CSR 30-3.204	Certification Standards		45 MoReg 1960	46 MoReg 719	
9 CSR 30-3.206	Certification Standards		45 MoReg 1961	46 MoReg 719	
9 CSR 30-3.208	Certification Standards		45 MoReg 1962	46 MoReg 719	
9 CSR 30-4.047	Certification Standards		45 MoReg 1962	46 MoReg 719	
9 CSR 50-2.010	Admission Criteria		46 MoReg 497		
9 CSR 50-2.510	Admission Criteria		46 MoReg 505		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-6.376	Air Conservation Commission		46 MoReg 691		
10 CSR 20-8.300	Clean Water Commission	46 MoReg 39	46 MoReg 318		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-13.010	Office of the Director <i>moved to 11 CSR 90-4.010</i>		46 MoReg 696		
11 CSR 30-13.020	Office of the Director <i>moved to 11 CSR 90-4.020</i>		46 MoReg 696		
11 CSR 30-13.030	Office of the Director <i>moved to 11 CSR 90-4.030</i>		46 MoReg 697		
11 CSR 30-13.040	Office of the Director <i>moved to 11 CSR 90-4.040</i>		46 MoReg 697		
11 CSR 30-13.050	Office of the Director <i>moved to 11 CSR 90-4.050</i>		46 MoReg 698		
11 CSR 30-13.060	Office of the Director <i>moved to 11 CSR 90-4.060</i>		46 MoReg 698		
11 CSR 30-13.070	Office of the Director <i>moved to 11 CSR 90-4.070</i>		46 MoReg 699		
11 CSR 30-13.080	Office of the Director <i>moved to 11 CSR 90-4.080</i>		46 MoReg 700		
11 CSR 30-13.090	Office of the Director <i>moved to 11 CSR 90-4.090</i>		46 MoReg 701		
11 CSR 30-13.100	Office of the Director		46 MoReg 701R		
11 CSR 30-13.110	Office of the Director <i>moved to 11 CSR 90-4.100</i>		46 MoReg 702		
11 CSR 30-17.010	Office of the Director		45 MoReg 1658	46 MoReg 659	
11 CSR 30-18.010	Office of the Director		46 MoReg 606		
11 CSR 30-18.020	Office of the Director		46 MoReg 612		
11 CSR 45-5.090	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45-5.110	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45-5.140	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45-9.108	Missouri Gaming Commission		46 MoReg 759		
11 CSR 45-9.118	Missouri Gaming Commission		46 MoReg 759		
11 CSR 45-12.090	Missouri Gaming Commission		46 MoReg 50		
11 CSR 50-2.020	Missouri State Highway Patrol		45 MoReg 1868	46 MoReg 772	
11 CSR 50-2.030	Missouri State Highway Patrol		45 MoReg 1869	46 MoReg 772	
11 CSR 50-2.080	Missouri State Highway Patrol		45 MoReg 1869	46 MoReg 772	
11 CSR 50-2.090	Missouri State Highway Patrol		45 MoReg 1869	46 MoReg 772	
11 CSR 50-2.160	Missouri State Highway Patrol		45 MoReg 1870	46 MoReg 772	
11 CSR 50-2.200	Missouri State Highway Patrol		45 MoReg 1870	46 MoReg 772	
11 CSR 50-2.270	Missouri State Highway Patrol		45 MoReg 1878	46 MoReg 773	
11 CSR 50-2.300	Missouri State Highway Patrol		45 MoReg 1878	46 MoReg 773	
11 CSR 50-2.310	Missouri State Highway Patrol		45 MoReg 1878	46 MoReg 773	
11 CSR 50-2.340	Missouri State Highway Patrol		45 MoReg 1879R	46 MoReg 773R	
11 CSR 75-15.010	Peace Officer Standards and Training Program	45 MoReg 1831	45 MoReg 1791	46 MoReg 512	
11 CSR 75-15.020	Peace Officer Standards and Training Program	45 MoReg 1832	45 MoReg 1791	46 MoReg 512	
11 CSR 75-16.010	Peace Officer Standards and Training Program		46 MoReg 321		
11 CSR 85-1.050	Veterans Affairs		45 MoReg 1791	46 MoReg 468	
11 CSR 90-4.010	Missouri 911 Service Board <i>formally 11 CSR 30-13.010</i>		46 MoReg 696		
11 CSR 90-4.020	Missouri 911 Service Board <i>formally 11 CSR 30-13.020</i>		46 MoReg 696		
11 CSR 90-4.030	Missouri 911 Service Board <i>formally 11 CSR 30-13.030</i>		46 MoReg 697		
11 CSR 90-4.040	Missouri 911 Service Board <i>formally 11 CSR 30-13.040</i>		46 MoReg 697		
11 CSR 90-4.050	Missouri 911 Service Board <i>formally 11 CSR 30-13.050</i>		46 MoReg 698		
11 CSR 90-4.060	Missouri 911 Service Board <i>formally 11 CSR 30-13.060</i>		46 MoReg 698		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 90-4.070	Missouri 911 Service Board <i>formally II CSR 30-13.070</i>		46 MoReg 699		
11 CSR 90-4.080	Missouri 911 Service Board <i>formally II CSR 30-13.080</i>		46 MoReg 700		
11 CSR 90-4.090	Missouri 911 Service Board <i>formally II CSR 30-13.090</i>		46 MoReg 701		
11 CSR 90-4.100	Missouri 911 Service Board <i>formally II CSR 30-13.110</i>		46 MoReg 702		
DEPARTMENT OF REVENUE					
12 CSR 10-2.019	Director of Revenue	46 MoReg 310	46 MoReg 321		
12 CSR 10-25.150	Director of Revenue		45 MoReg 1879	46 MoReg 659	
12 CSR 10-41.010	Director of Revenue	45 MoReg 1832	45 MoReg 1880	46 MoReg 660	
12 CSR 10-102.100	Director of Revenue		45 MoReg 1883	46 MoReg 660	
12 CSR 10-104.050	Director of Revenue		46 MoReg 260		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-31.025	Children's Division		This Issue		
13 CSR 40-2.015	Family Support Division		46 MoReg 325		
13 CSR 40-7.010	Family Support Division		46 MoReg 327		
13 CSR 40-7.050	Family Support Division		This Issue		
13 CSR 40-7.080	Family Support Division		45 MoReg 1964	46 MoReg 719	
13 CSR 40-91.020	Family Support Division		46 MoReg 445		
13 CSR 70-3.230	MO HealthNet Division		45 MoReg 1967	46 MoReg 720	
13 CSR 70-10.015	MO HealthNet Division		46 MoReg 612		
13 CSR 70-20.045	MO HealthNet Division		46 MoReg 329		
13 CSR 70-20.047	MO HealthNet Division		46 MoReg 329		
13 CSR 70-20.060	MO HealthNet Division	46 MoReg 311	46 MoReg 332		
13 CSR 70-20.250	MO HealthNet Division		46 MoReg 464		
13 CSR 70-25.110	MO HealthNet Division		46 MoReg 623		
13 CSR 70-40.010	MO HealthNet Division		46 MoReg 702		
13 CSR 70-90.010	MO HealthNet Division	46 MoReg 601	46 MoReg 624		
13 CSR 70-94.020	MO HealthNet Division		This Issue		
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16 CSR 20-2.010	Missouri Local Government Employees' Retirement System (LAGERS)		45 MoReg 1967	46 MoReg 660	
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17 CSR 10-2.020	Kansas City Board of Police Commissioners		46 MoReg 625		
17 CSR 10-2.030	Kansas City Board of Police Commissioners		46 MoReg 632R		
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17 CSR 10-2.050	Kansas City Board of Police Commissioners		46 MoReg 636R		
17 CSR 10-2.055	Kansas City Board of Police Commissioners		46 MoReg 636		
17 CSR 10-2.060	Kansas City Board of Police Commissioners		46 MoReg 637R		
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17 CSR 10-2.090	Kansas City Board of Police Commissioners		46 MoReg 651R		
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17 CSR 10-2.100	Kansas City Board of Police Commissioners		46 MoReg 655R		
17 CSR 10-2.105	Kansas City Board of Police Commissioners		46 MoReg 655		
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18 CSR 10-1.010	Office of State Public Defender				46 MoReg 17
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19 CSR 20-20.200	Division of Community and Public Health	46 MoReg 493 46 MoReg 747T			
19 CSR 30-1.002	Division of Regulation and Licensure	45 MoReg 1837	45 MoReg 1883	46 MoReg 512	
19 CSR 30-1.026	Division of Regulation and Licensure		45 MoReg 1896	46 MoReg 513	
19 CSR 30-1.064	Division of Regulation and Licensure		45 MoReg 1897	46 MoReg 513	
19 CSR 30-1.074	Division of Regulation and Licensure	45 MoReg 1850	45 MoReg 1897	46 MoReg 513	
19 CSR 30-1.080	Division of Regulation and Licensure	46 MoReg 42	46 MoReg 51	46 MoReg 773	
19 CSR 30-40.342	Division of Regulation and Licensure				46 MoReg 723
19 CSR 30-81.030	Division of Regulation and Licensure		46 MoReg 334		
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20 CSR	Sovereign Immunity Limits				45 MoReg 1978
20 CSR	State Legal Expense Fund Cap				45 MoReg 1978
20 CSR 200-22.010	Insurance Solvency and Company Regulation		This Issue		
20 CSR 500-6.100	Property and Casualty		45 MoReg 376		
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20 CSR 1140-2.020	Division of Finance		46 MoReg 759R		
20 CSR 1140-2.030	Division of Finance		46 MoReg 760R		
20 CSR 1140-2.035	Division of Finance		46 MoReg 760R		
20 CSR 1140-2.040	Division of Finance		46 MoReg 760R		
20 CSR 1140-2.053	Division of Finance		46 MoReg 760R		
20 CSR 1140-2.060	Division of Finance		46 MoReg 761R		
20 CSR 1140-2.067	Division of Finance		46 MoReg 761R		

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20 CSR 1140-2.082	Division of Finance		46 MoReg 762R		
20 CSR 1140-2.090	Division of Finance		46 MoReg 762		
20 CSR 1140-2.100	Division of Finance		46 MoReg 762R		
20 CSR 1140-2.126	Division of Finance		46 MoReg 762R		
20 CSR 1140-6.025	Division of Finance		46 MoReg 763R		
20 CSR 1140-6.030	Division of Finance		46 MoReg 763R		
20 CSR 1140-6.040	Division of Finance		46 MoReg 763R		
20 CSR 1140-6.060	Division of Finance		46 MoReg 763		
20 CSR 2010-2.041	Missouri State Board of Accountancy		45 MoReg 1897	46 MoReg 660	
20 CSR 2010-2.061	Missouri State Board of Accountancy		45 MoReg 1899	46 MoReg 661	
20 CSR 2010-4.020	Missouri State Board of Accountancy		45 MoReg 1901	46 MoReg 662	
20 CSR 2010-4.031	Missouri State Board of Accountancy		45 MoReg 1901	46 MoReg 662	
20 CSR 2030-4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1793	46 MoReg 468	
20 CSR 2030-4.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1794	46 MoReg 468	
20 CSR 2030-4.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1794	46 MoReg 468	
20 CSR 2030-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1795	46 MoReg 468	
20 CSR 2030-5.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1796	46 MoReg 469	
20 CSR 2030-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1796	46 MoReg 469	
20 CSR 2030-5.110	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1796	46 MoReg 469	
20 CSR 2030-5.120	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 54	46 MoReg 773	
20 CSR 2030-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		45 MoReg 1797	46 MoReg 469	
20 CSR 2030-5.160	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 54	46 MoReg 774	
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 358		
20 CSR 2045-1.010	Athlete Agents		46 MoReg 260	This Issue	
20 CSR 2063-2.010	Behavior Analyst Advisory Board		45 MoReg 1902	46 MoReg 513	
20 CSR 2120-3.400	State Board of Embalmers and Funeral Directors		This IssueR		
20 CSR 2120-3.405	State Board of Embalmers and Funeral Directors		This IssueR		
20 CSR 2120-3.410	State Board of Embalmers and Funeral Directors		This IssueR		
20 CSR 2150-5.025	State Board of Registration for the Healing Arts	46 MoReg 182	46 MoReg 262		
20 CSR 2165-1.010	Board of Examiners for Hearing Instrument Specialists		45 MoReg 1902	46 MoReg 514	
20 CSR 2220-2.016	State Board of Pharmacy		This IssueR		
20 CSR 2220-2.120	State Board of Pharmacy		45 MoReg 1903	46 MoReg 663	
20 CSR 2220-2.200	State Board of Pharmacy	This Issue	This Issue		
20 CSR 2220-2.425	State Board of Pharmacy		46 MoReg 358		
20 CSR 2220-2.685	State Board of Pharmacy		46 MoReg 465		
20 CSR 2220-5.020	State Board of Pharmacy	45 MoReg 1851	45 MoReg 1903	46 MoReg 514	
20 CSR 2220-6.040	State Board of Pharmacy	46 MoReg 5	46 MoReg 12	46 MoReg 720	
20 CSR 2220-6.050	State Board of Pharmacy	46 MoReg 183	46 MoReg 262		
20 CSR 2220-7.025	State Board of Pharmacy		46 MoReg 263	This Issue	
20 CSR 2234-1.050	Board of Private Investigator and Private Fire Investigator Examiners		46 MoReg 764		
20 CSR 2234-5.010	Board of Private Investigator and Private Fire Investigator Examiners		45 MoReg 1797	46 MoReg 469	
20 CSR 2234-6.010	Board of Private Investigator and Private Fire Investigator Examiners		46 MoReg 360		
20 CSR 2235-1.020	State Committee of Psychologists		45 MoReg 1968	46 MoReg 663	
20 CSR 2235-1.025	State Committee of Psychologists		45 MoReg 1970	46 MoReg 663	
20 CSR 2235-1.026	State Committee of Psychologists		45 MoReg 1970	46 MoReg 663	
20 CSR 2235-1.030	State Committee of Psychologists		45 MoReg 1971	46 MoReg 663	
20 CSR 2235-1.031	State Committee of Psychologists		45 MoReg 1971	46 MoReg 664	
20 CSR 2235-1.050	State Committee of Psychologists		45 MoReg 1904	46 MoReg 514	
20 CSR 2235-2.001	State Committee of Psychologists		46 MoReg 509		
20 CSR 2235-2.005	State Committee of Psychologists		46 MoReg 13	46 MoReg 774	
20 CSR 2235-2.070	State Committee of Psychologists		46 MoReg 13	46 MoReg 774	
20 CSR 2235-7.010	State Committee of Psychologists		46 MoReg 706		
20 CSR 2255-1.030	Missouri Board for Respiratory Care		46 MoReg 658		
20 CSR 2263-1.035	State Committee for Social Workers		45 MoReg 1905	46 MoReg 514	
20 CSR 2263-2.031	State Committee for Social Workers		46 MoReg 767		
20 CSR 2263-2.050	State Committee for Social Workers		46 MoReg 767		
20 CSR 2263-2.082	State Committee for Social Workers		46 MoReg 466		

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22 CSR 10-2.046	Health Care Plan	45 MoReg 1852	45 MoReg 1907	46 MoReg 720
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22 CSR 10-2.047	Health Care Plan	45 MoReg 1853	45 MoReg 1907	46 MoReg 721	
22 CSR 10-2.053	Health Care Plan	45 MoReg 1853	45 MoReg 1907	46 MoReg 721	
22 CSR 10-2.089	Health Care Plan	45 MoReg 1855	45 MoReg 1909	46 MoReg 721	
22 CSR 10-3.030	Health Care Plan	45 MoReg 1856	45 MoReg 1909	46 MoReg 721	
22 CSR 10-3.055	Health Care Plan	45 MoReg 1857	45 MoReg 1910	46 MoReg 721	
22 CSR 10-3.058	Health Care Plan	45 MoReg 1858	45 MoReg 1911	46 MoReg 721	
22 CSR 10-3.059	Health Care Plan	45 MoReg 1858	45 MoReg 1911	46 MoReg 722	

Agency	Publication	Effective	Expiration
Office of Administration			
Commissioner of Administration			
1 CSR 10-15.010 Cafeteria Plan . . . . .	.46 MoReg 109	Jan. 4, 2021	July 2, 2021
Department of Agriculture			
Animal Health			
2 CSR 30-10.010 Inspection of Meat and Poultry . . . . .	.46 MoReg 393	Feb. 11, 2021	Aug. 9, 2021
Department of Higher Education and Workforce Development			
Commissioner of Higher Education and Workforce Development			
6 CSR 10-2.190 A+ Scholarship Program . . . . .	.Next Issue	May 12, 2021	Feb. 21, 2022
Department of Labor and Industrial Relations			
Division of Workers' Compensation			
8 CSR 50-5.007 Evidence of Occupational Disease Exposure for First Responders . . . . .	.46 Mo Reg 305	Feb. 1, 2021	July 30, 2021
Department of Natural Resources			
Clean Water Commission			
10 CSR 20-8.300 Design of Concentrated Animal Feeding Operations . . . . .	.46 MoReg 39	Dec. 22, 2020	June 19, 2021
Department of Public Safety			
Peace Officer Standards and Training Program			
11 CSR 75-15.010 Continuing Education Requirement . . . . .	.45 MoReg 1831	Jan. 1, 2021	June 29, 2021
11 CSR 75-15.020 Minimum Standards for Continuing Education Training . . . . .	.45 MoReg 1832	Jan. 1, 2021	June 29, 2021
Department of Revenue			
Director of Revenue			
12 CSR 10-2.019 Determination of Withholding for Work Performed at Temporary Work Locations . . . . .	.46 Mo Reg 310	Jan. 21, 2021	July 19, 2021
12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . .	.45 MoReg 1832	Jan. 1, 2021	June 29, 2021
Department of Social Services			
MO HealthNet Division			
13 CSR 70-20.060 Professional Dispensing Fee . . . . .	.46 Mo Reg 311	Feb. 1, 2021	July 30, 2021
13 CSR 70-20.070 Drug Reimbursement Methodology . . . . .	.Next Issue	July 1, 2021	Feb. 24, 2022
13 CSR 70-20.075 340B Drug Pricing Program . . . . .	.Next Issue	July 1, 2021	Feb. 24, 2022
13 CSR 70-90.010 Home Health-Care Services . . . . .	.46 MoReg 601	July 1, 2021	Feb. 24, 2022
Elected Officials			
State Auditor			
15 CSR 40-3.125 Calculation and Revision of Property Tax Rates by School Districts . . . . .	.Next Issue	May 13, 2021	Dec. 30, 2021
15 CSR 40-3.135 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts . . . . .	.Next Issue	May 13, 2021	Dec. 30, 2021
Department of Health and Senior Services			
Division of Community and Public Health			
19 CSR 20-20.200 COVID-19 Vaccine Priority Tier Evaluation Committee . . . . .	.46 MoReg 747	Feb. 25, 2021 Trm.	March 26, 2021
Division of Regulation and Licensure			
19 CSR 30-1.002 Schedules of Controlled Substances . . . . .	.45 MoReg 1837	Nov. 16, 2020	May 14, 2021
19 CSR 30-1.074 Dispensing Without a Prescription . . . . .	.45 MoReg 1850	Nov. 16, 2020	May 14, 2021
19 CSR 30-1.080 Electronic Prescribing Waiver . . . . .	.46 MoReg 42	Dec. 31, 2020	June 28, 2021
Department of Commerce and Insurance			
State Board of Registration for the Healing Arts			
20 CSR 2150-5.025 Administration of Vaccines Per Protocol. . . . .	.46 MoReg 182.	Jan. 19, 2021.	July 17, 2021
State Board of Pharmacy			
20 CSR 2220-2.200 Sterile Compounding . . . . .	.This Issue	April 28, 2021	Feb. 7, 2022
20 CSR 2220-5.020 Drug Distributor Licensing Requirements . . . . .	.45 MoReg 1851	Nov. 13, 2020	May 11, 2021
20 CSR 2220-6.040 Administration by Medical Prescription Order . . . . .	.46 MoReg 5	Dec. 11, 2020	June 8, 2021
20 CSR 2220-6.050 Administration of Vaccines Per Protocol46 MoReg 183.	Jan. 19, 2021.	July 17, 2021

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Health Care Plan

22 CSR 10-2.046	PPO 750 Plan Benefit Provisions and Covered Charges . . .45 MoReg 1852Jan. 1, 2021June 29, 2021
22 CSR 10-2.047	PPO 1250 Plan Benefit Provisions and Covered Charges . . .45 MoReg 1853Jan. 1, 2021June 29, 2021
22 CSR 10-2.053	Health Savings Account Plan Benefit Provisions and Covered Charges45 MoReg 1853Jan. 1, 2021June 29, 2021
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members45 MoReg 1855Jan. 1, 2021June 29, 2021
22 CSR 10-3.030	Public Entity Membership Agreement and Participation Period45 MoReg 1856Jan. 1, 2021June 29, 2021
22 CSR 10-3.055	Health Savings Account Plan Benefit Provisions and Covered Charges45 MoReg 1857Jan. 1, 2021June 29, 2021
22 CSR 10-3.058	PPO 750 Plan Benefit Provisions and Covered Charges . . .45 MoReg 1858Jan. 1, 2021June 29, 2021
22 CSR 10-3.059	PPO 1250 Plan Benefit Provisions and Covered Charges . . .45 MoReg 1858Jan. 1, 2021June 29, 2021

Executive Orders	Subject Matter	Filed Date	Publication
<u>2021</u>			
21-07	Extends Executive Order 20-02, Executive Order 20-04, Executive Order 20-05, Executive Order 20-06, and Executive Order 20-14 until August 31, 2021	March 26, 2021	46 MoReg 750
21-06	Creates and establishes the Show Me Strong Recovery Task Force and rescinds Executive Order	March 22, 2021	46 MoReg 748
21-05	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 24, 2021	46 MoReg 605
21-04	Extends Executive Order 21-03 until February 28, 2021 and terminates Executive Order 20-17.	February 19, 2021	46 MoReg 603
21-03	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021	February 11, 2021	46 MoReg 495
21-02	Establishes the Office of Childhood within the Department of Elementary and Secondary Education	January 28, 2021	46 MoReg 394
21-01	Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06	January 7, 2021	46 MoReg 314
<u>2020</u>			
20-21	Modifies the provisions of the Missouri Justice Reinvestment Executive Oversight Council, as established in Executive Order 18-08	December 30, 2020	46 MoReg 185
20-20	Closes state offices December 24, 2020	December 7, 2020	46 MoReg 46
20-19	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia until March 31, 2021. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	November 19, 2020	46 MoReg 7
Proclamation	Adds additional measures for consideration during the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	November 12, 2020	45 MoReg 1953
20-18	Closes state offices November 27, 2020	October 30, 2020	45 MoReg 1862
Proclamation	Convenes the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	October 21, 2020	45 MoReg 1860
20-17	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	September 24, 2020	45 MoReg 1656
20-16	Extends Executive Order 20-12 regarding the activation of the state militia until December 30, 2020	September 15, 2020	45 MoReg 1562
20-15	Establishes the Interagency Task Force on Worker Classification	September 11, 2020	45 MoReg 1559
20-14	Suspends the requirement of physical appearance as stated in Chapter 474 by authorizing the use of audio-visual technology	September 3, 2020	45 MoReg 1557
Proclamation	Amends the matters specifically designated and limited for consideration by the General Assembly in the July 15, 2020 Proclamation	August 10, 2020	45 MoReg 1338
20-13	Extends Executive Order 18-12 regarding the 2020 Census until November 30, 2020	July 31, 2020	45 MoReg 1303
Proclamation	Convenes the one hundredth general assembly of the State of Missouri in the First Extra Session of the Second Regular Session	July 15, 2020	45 MoReg 1220
20-12	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	June 11, 2020	45 MoReg 1064
20-11	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	May 30, 2020	45 MoReg 990
Proclamation	Calls for a special election on August 4th of 2020	May 26, 2020	45 MoReg 988
20-10	Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020	May 4, 2020	45 MoReg 895
20-09	Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated	April 24, 2020	45 MoReg 789
20-08	Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology	April 6, 2020	45 MoReg 718
20-07	Waives late penalties for concealed carry permits for 60 days	April 2, 2020	45 MoReg 716
20-06	Activates the state militia in response to the COVID-19 pandemic	March 27, 2020	45 MoReg 587

Executive Orders	Subject Matter	Filed Date	Publication
20-05	Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency	March 23, 2020	45 MoReg 585
20-04	Suspends certain agency regulations to allow them to address the current state of emergency	March 18, 2020	45 MoReg 583
20-03	Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020	March 18, 2020	45 MoReg 580
20-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated	March 13, 2020	45 MoReg 529
20-01	Designates supervisory authority over select departments, divisions, or agencies of government	Feb. 03, 2020	45 MoReg 352

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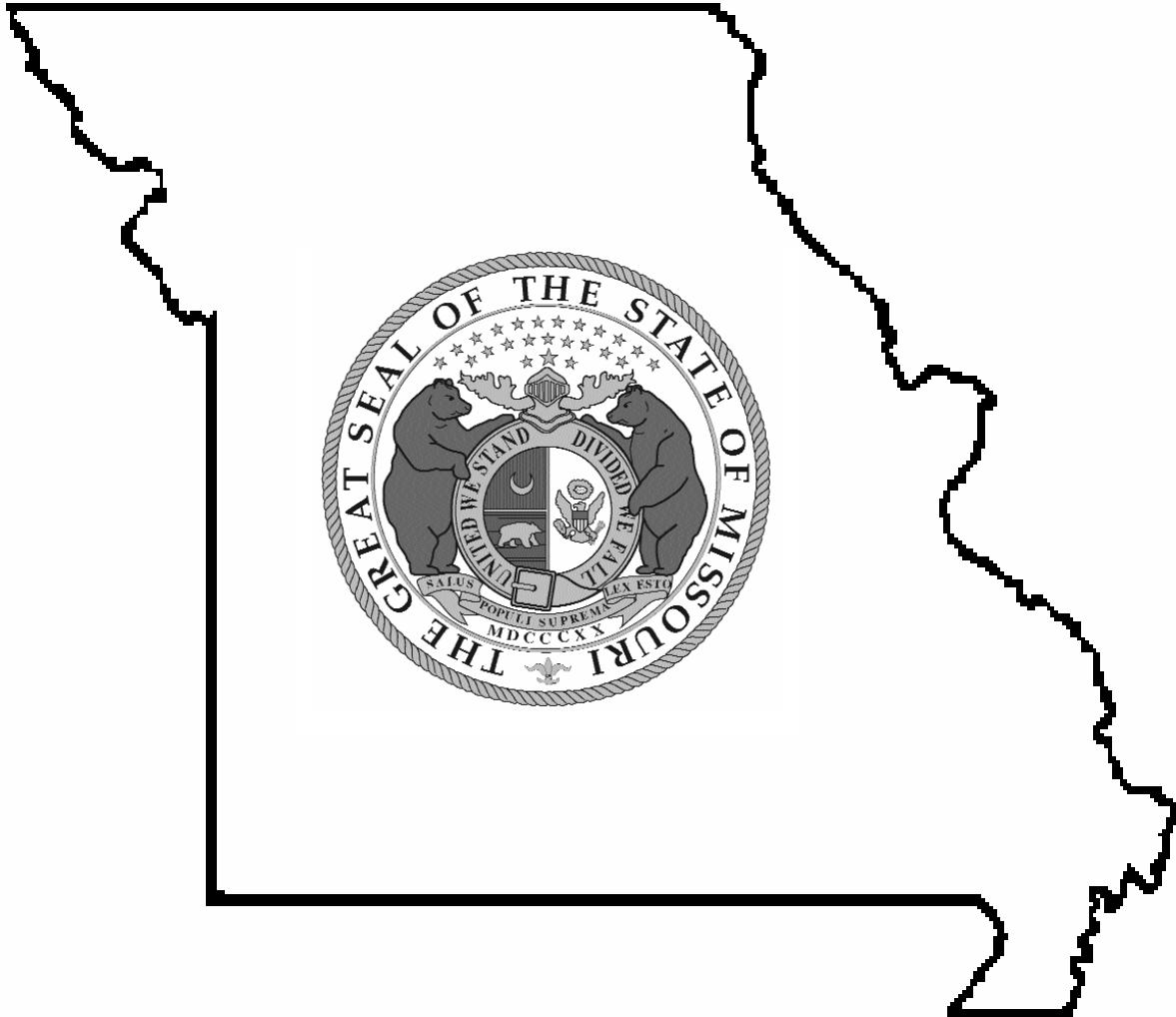
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MISSOURI STATE RULEMAKING MANUAL



JOHN R. ASHCROFT
SECRETARY OF STATE

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